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Next 3 Page(s) In Document Exempt

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June 17, 1971

CONGRESSIONAL RECORD — HOUSE

H 5403

AMENDMENT OFFERED BY MR. BADILLO

Mr. BADILLO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BADILLO: Page 7, line 4, before the quotation marks insert the following new sentence: "Nothing in clause (A) or (B) of the first sentence of this paragraph or in the immediately preceding sentence shall be construed to authorize the use of any of such funds by the Central Intelligence Agency (or by any agency or person operating on behalf of the Central Intelligence Agency) to engage, in any manner or to any extent, in the organization, supervision, or conduct of any military or paramilitary operation of any kind in Vietnam, Cambodia, Laos, or Thailand (including any operation of the kind commonly called 'guerrilla warfare' operation) which will be executed by forces composed in whole or in part of (i) mercenaries, (ii) regular or irregular personnel of any armed force of any foreign nation or area, or (iii) personnel other than those listed in clause (i) or (ii) who are under arms and are indigenous to any foreign country or area."

Mr. BADILLO. Mr. Chairman, this is a very specific amendment limiting the activities of the Central Intelligence Agency to the gathering of intelligence, and specifically prohibiting the Central Intelligence Agency from conducting guerrilla operations in Southeast Asia. The necessity for the amendment arises because the enabling act which created the Central Intelligence Agency provides that the CIA may perform "such other functions and duties related to intelligence and affecting national security as the National Security Council may from time to time direct."

There has been clear evidence from news accounts over the years, which I am sure all of you have read, that the Central Intelligence Agency is conducting guerrilla operations in Laos and Cambodia. This last week, as you know, the Senate had a secret session involving our activities in Laos and Senator SYMINGTON in the CONGRESSIONAL RECORD indicated as follows:

In the case of Laos one is unable to cite a figure for the total cost of this war to the United States. First, because what the United States is doing, and the cost of what we are doing, continues to be cloaked with official secrecy by the executive branch. Second, one cannot cite a figure for the total cost to us of the war in Laos because, it must be said in all frankness, neither you, nor I, nor any other Member of Congress is in position to know what those costs actually are.

Yesterday, my colleague the gentleman from California (Mr. WALDIE), questioned the chairman of the committee as to whether this bill specifically included funds for the Central Intelligence Agency, and the chairman answered that it does. The chairman also refused to say what the amounts were and said that only he and the ranking minority member of the committee knew.

The gentleman from California Mr. WALDIE also asked the chairman as follows:

What is the purpose of the CIA activity in Laos?

The chairman answered as follows:

Mr. HEBERT. The activity of the CIA in all sections of the world, in Laos, the Middle

East and everywhere is the gathering of intelligence for the protection and security of the United States.

If that is the understanding of the activities of the CIA by the chairman, then he should be in support of this amendment, because all I am saying is that that should be precisely the activity of the Central Intelligence Agency, to gather information, and not to engage in guerrilla activities. But because we do not know exactly what funds are available either in this body or in the Senate, and we do not know exactly to what purpose they are being put, this amendment is prepared so that we can be sure that the activities are limited.

I seek only to insure that the activities of the Central Intelligence Agency be limited to those specified in the law, and that is to the gathering of intelligence. Certainly after the recent disclosures it becomes all the more important that we insure that the agencies of the executive department comply with the mandates of the Congress.

Even before the New York Times published parts of the Pentagon study of our involvement in the Vietnam war, it had become apparent that the CIA had literally been running the entire military operation in Laos, including the hiring, training, and leading of a mercenary army of Thais and Meo tribesmen and the tactical control of an air war which has made the Laotian people refugees in their own land.

As early as 1964, the CIA recruited Thai pilots to fly planes with markings of the Royal Laotian Government against Communist forces in Laos and there is evidence these Thai pilots are still flying missions in Laos, under CIA control and supervision. Reliable estimates given recently to the Senate indicate that the CIA currently is paying about 5,000 Thais to fight in Laos.

Enactment of this amendment is necessary if Congress is to regain some measure of meaningful control and oversight in the field of foreign affairs. Regardless of how individual Members might feel about the recent articles in the New York Times, it is clear that the nature and extent of our involvement in Southeast Asia has repeatedly been hidden from and misrepresented to the American people and their elected Representatives. I strongly suspect that the pattern of subterfuge and outright misrepresentation continues. This amendment represents a step toward squaring with the American people. I urge its adoption.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield for a question?

Mr. BADILLO. I yield to the gentleman from California.

Mr. LEGGETT. Would the amendment preclude the CIA from supporting such things as have been reported in national magazines, such as the pay for personnel in the Saigon Police Force, which police force is being used, of course, for campaign purposes to support the Thieu government in Southeast Asia?

Mr. BADILLO. Yes it would, because it would seek to limit the Central Intelligence Agency to the gathering of intelligence and to its functions as approved

by the Congress. Specifically it excludes the support of activities commonly called guerrilla warfare, support of mercenaries, support of regular or irregular personnel of any armed forces of any foreign nation or area within Southeast Asia.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from Michigan.

Mr. CONYERS. I want to commend the precision with which the gentleman has formulated this amendment. I believe it is an exceedingly important one. I applaud his courage and support him.

Mr. BADILLO. I thank the gentleman very much.

(Mr. BADILLO asked and was given permission to revise and extend his remarks.)

Mr. HEBERT. Mr. Chairman, I rise in opposition to the amendment.

The gentleman's amendment seeks to place a restriction upon the use of any funds authorized in this proposed act for military or paramilitary operations in Southeast Asia organized or supervised by the Central Intelligence Agency.

The Central Intelligence Agency was established by the National Security Act. It functions under the National Security Council under the President of the United States. It initiates no activities of its own without direction from the President and/or the National Security Council.

I do not propose to debate on the floor of the House the activities or functions of the Central Intelligence Agency. I will state categorically that the intelligence activities conducted by our Government are essential to the security of this Nation.

The amendment offered by the gentleman from New York, as I read it, seeks to prohibit the Central Intelligence Agency from organizing, supervising, or conducting any so-called military or paramilitary operation of any kind in Southeast Asia which would be executed by mercenaries, regular or irregular personnel of any armed force of any foreign nation or area, or any other personnel of a foreign nation. I will not go into the ramifications of such a restriction should it be enacted. I will merely tell the House that in my opinion, as well meaning as this amendment may be, it is very dangerous to the security of our country. Secrecy is one of the prices we must pay for survival. Today, there seems to be a penchant for exposing Government secrets which wittingly or unwittingly give aid and comfort to the enemy.

The amendment offered by the gentleman from New York would seriously restrict our intelligence activities in Southeast Asia and would certainly most seriously affect, and perhaps even prevent, the further withdrawal of U.S. troops from Vietnam.

I am not going to expand upon my statement any further.

I urge the House to overwhelmingly defeat this amendment.

Mr. WALDIE. Mr. Chairman, I move to strike the requisite number of words.

(Mr. WALDIE asked and was given permission to revise and extend his remarks.)

H 5404

CONGRESSIONAL RECORD — HOUSE

June 17, 1971

Mr. WALDIE. Mr. Chairman, and particularly the distinguished and personally deeply respected chairman of the Committee on Armed Services, I have no belief that this amendment will be adopted. The very existence of the amendment, though, I think tells you something about the troublesome nature of the CIA activities and the attitude of many Members of the Congress of the United States toward those activities.

I have been told all sorts of stories about the activities of the Central Intelligence Agency. I doubt that very many of those stories are credible or true. The fact remains, though, that nobody can rebut those stories, because everybody is confronted, when a rebuttal is sought, with the statement that the chairman just made; namely, that he is not at liberty to go into the activities of the CIA.

As a Member of this Congress, I have already begun to lose great faith, which I previously had, in Presidents of the United States and their ability to always act in the best interests of this country in all instances in which they have power. I really believe that the only check upon Presidents is the constitutional powers that are provided with oversight on the part of the Congress.

I have attempted to find over the past month what oversight of the activities—operational activities, but not the intelligence gathering activities of the Central Intelligence Agency, is, in fact, implemented in the House of Representatives.

Yesterday was the first indication I had of two people that apparently exercise some oversight, the distinguished chairman of the Committee on Armed Services, and the ranking minority member of the Armed Services Committee.

I have heard of other Members who are involved in oversight. Those people are privy to information that every Member of Congress ought to have.

Mr. Chairman, I do not want this country to be confronted with another CIA-conducted "Bay of Pigs" invasion again. That decision was made as an Executive decision based upon information that was so classified it was not even recorded in any record, and then classified. There is no possibility of this Congress determining whether an Executive decision which would involve this country in a major war is a correct decision. Congress ought to have some oversight upon and resulting responsibility for those sensitive, enormous questions of national policy.

The CIA acts under the strictest, most absolute secrecy, a policy which subjects it and its activities to all kinds of rumors that are very exaggerated, I hope, beyond that which, in fact, is truth.

Your assurances, Mr. Chairman, that this amendment is very critical to our country impressed me. They would impress me far more if you could tell me why that has to be the case.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. WALDIE. I yield to the gentleman from Michigan.

Mr. CONYERS. I commend the gentleman for his statement. However, there is a question that remains unanswered

by the chairman of this committee with reference to the proposal of this amendment, and that is the gentleman from New York quoted the chairman and said that he described the activities of the CIA as intelligence gathering exclusively.

Now, I understand from the implications of the chairman's remarks that the CIA functions go far beyond that.

If I am not correct, I would like to stand corrected at this point. There is this vital difference and I think this body is entitled to have that difference resolved.

Mr. WALDIE. I yield to the gentleman from Louisiana for his response to the question. I know the response is affirmative, because the gentleman said yesterday they were solely engaged in such activities.

Mr. HEBERT. Mr. Chairman, if the gentleman will yield, I would answer the gentleman from Michigan in this fashion: The moving finger writes, and having writ, moves on. The record stands for what I said yesterday and what I said today.

Mr. WALDIE. Now, Mr. Chairman, you are again emphasizing the points that I am attempting to make.

I intend to ask the chairman of the Appropriations Committee whom I also mysteriously understand has something to do with oversight of the CIA, certain questions when future appropriations bills are being considered. Every single appropriation bill brought up on this floor from now on, whether it be Agriculture, Armed Services, or Foreign Aid, I am going to ask him if there are CIA funds included in that appropriation bill.

I would also hope that the Speaker of the House would disclose to the Members of the House what Members in this body act as the Oversight Committee of the CIA, and permit me and my equally less favored colleagues to judge the Members acting in this capacity, and determine whether I want to entrust my responsibility as a Member of Congress to them in this sensitive area. I want to be convinced that the operational activities of the CIA, in fact, do not jeopardize this country. I am not fully convinced that that is so.

Mr. CONYERS. Mr. Chairman, I move to strike the last word.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Chairman, I rise in support of this amendment, and I wish to state to the Members of this body that there is a simple question that has not been resolved. The Chairman has assured me that what the sponsor of the amendment said is correct as to the functions of the CIA. Yet we have disclosures that imply that they do far more than gather intelligence. It seems that is not a classified matter and that it would be extremely difficult for any Member of this body to vote for or against this amendment without getting a clarification.

Can the gentleman expand in any way on this point?

Mr. BADILLO. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from New York.

Mr. BADILLO. Mr. Chairman, I want to point out that I am not speaking in innuendos, I am forced to speak as I do, because in response yesterday to a question from the gentleman from California (Mr. WALDIE), the chairman stated—and first I shall read the question asked by the gentleman from California:

Can the gentleman tell me in what portion of this bill those funds are contained?

Mr. HEBERT. No, I cannot tell the gentleman that.

Mr. WALDIE. Is it available so that a Member of this House of Representatives can go to the committee and examine the classified documents involving the amount of money available for the Central Intelligence Agency in this bill?

Mr. HEBERT. No, sir, it is not. The chairman takes the full responsibility of not discussing the matter further.

So therefore even if we wanted to go to the committee and wanted to examine the classified documents to get the facts, we would find that we, as Members of the Congress, not the press, but Members of the Congress, would not have that information available.

So then we go down to the bottom of the page where the chairman is asked:

What is the purpose of the CIA activity in Laos?

And the answer was:

The activity of the CIA in all sections of the world, in Laos, the Middle East and everywhere is the gathering of intelligence for the protection and security of the United States.

Now, if that statement is correct and that is the activity of the CIA, then that is the purpose of the amendment, and there is no conflict, but if that statement is correct then the one made today by the chairman cannot be correct also, and the two statements cannot be reconciled.

Mr. CONYERS. Then the intent of your amendment is to merely limit the Central Intelligence Agency to those activities described by the chairman?

Mr. BADILLO. Exactly, the activities of gathering intelligence described yesterday in the CONGRESSIONAL RECORD.

Mr. GUBSER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I think the House should be told that prior to the current session of the Congress there was a Central Intelligence Agency Subcommittee of the House Committee on Armed Services. During the last Congress I was privileged to be a member of that subcommittee. We acted pretty much in an oversight capacity. However, this year when the gentleman from Louisiana assumed the chairmanship of the House Committee on Armed Services he adopted a new policy.

I should not speak for the gentleman, but I think I know his motivation in formulating that new policy. He felt that no member of the Committee on Armed Services should be privy to information more delicate than any other Member, even the newest freshman is entitled. So

June 17, 1971

he did not reconstitute the CIA Subcommittee. I admire the gentleman for that, I admire his motivation.

The pending amendment brings up this point: how many is enough to oversee the activities of the Central Intelligence Agency? Is it two, 10, like it was last year, 20, or 435 Members of the House?

I know that every person in this body is an honest and well-intentioned person, but we are all people who deal in words off the cuff.

We are constantly dealing with newspaper people who are doing their job of trying to get information. So I ask you in all sincerity, would it be safe to have too many people in this political arena privy to the sensitive activities of the CIA?

I have confidence in the gentleman from Louisiana, and I have confidence in the gentleman from Illinois. If I did not have, I would introduce a resolution expressing a lack of confidence. I think that is what we ought to do if we feel that way.

Insofar as the mission is being restricted to the gathering of intelligence, I only point out, probably parenthetically, that when you are gathering intelligence in a combat situation you cannot ask a man to be in a combat area and around a combat area unless he is able to adapt himself to the environment which his job places him in.

Mr. LEGGETT. Mr. Chairman, I move to strike the requisite number of words, and I do so just to make this statement:

I know that this amendment will be defeated, but I want to commend the gentleman from New York for his fresh ideas of reviewing some of the functions of the Central Intelligence Agency.

I frankly think that perhaps our committee can do more to really look at exactly what that agency is doing. I think by and large it is a great agency and it should be secret. But as long as it is making the foreign policy of the United States and as long as it is obviously fighting a war for us in Laos and Thailand then it should be under very, very close scrutiny. I would hope the gentleman's amendment at least brings a new awareness of the functions of this agency not only in the countries that I mentioned, but the agency does have a very, very formidable function in Vietnam.

I suppose that CIA function could be handled over a short period of time in total secrecy, but now their war has been going on for some 7, 10, and 15 years—it is all a secret how we got into this war apparently, as it would appear from the Times article the other day. It is all a secret how we are really fighting the war in these various countries. I suspect that we are going to finish it and we really will not know how many wars we have been in or really what has been done. I think we have formidable function to review this agency and I commend the gentleman again for his amendment.

Mrs. GRIFFITHS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to point out that this really is not a new or fresh idea. The gentlewoman from New York Edna Kelly, some 12 years ago introduced a resolution in this body asking

for an oversight committee on the CIA. I heard her begging the leadership year after year to place such a committee in effect and she pointed out repeatedly that here was a large organization that was responsible to no one.

I regret that she no longer is a Member of this body. I assure you had her idea been put into effect then, it would have been extremely helpful now.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BADILLO).

The question was taken; and on a division (demanded by Mr. BADILLO), there were—ayes 46, noes 172.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. FRASER

Mr. FRASER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRASER: Title IV, General Provisions, of H.R. 8687—fiscal year 1972 Defense procurement authorization bill—is amended by adding the following new section:

"Sec. 402. The Secretary of the Treasury shall place in a special account established by him—

"(1) the amount of the funds which may be appropriated under the authority of this Act for the production or deployment, or both, of multiple independently-targetable re-entry vehicles (MIRV's), and

"(2) the amount of all appropriations made before the date of the enactment of this Act for such production or deployment, or both, which remain unexpended or unobligated on the date of the enactment of this Act.

to the extent that the sum of the amounts in clauses (1) and (2) exceed the sum of—

"(3) the cost required to complete the conversion of 16 nuclear-powered submarines to the POSEIDON missile system, and

"(4) the cost of the number of MIRV systems required to equip the launchers for the 16 nuclear-powered submarines referred to in clause (3), and

"(5) the cost of the number of MIRV systems for which appropriations were obligated on the date of the enactment of this Act for equipping Minuteman III missiles.

The funds and prior appropriations required to be placed in the special account under the preceding sentence shall be held in such account and not further obligated or expended until and unless the President reports to Congress that the Strategic Arms Limitations Talks (SALT) have not, and in his best judgment will not, provide an agreement which would enable the United States to cease further deployment of MIRV's and that continued testing and deployment by the Union of Soviet Socialist Republics of additional defensive or offensive strategic nuclear weapons systems require that such funds and prior appropriations be expended by the United States for the purposes for which they were appropriated."

The CHAIRMAN. The gentleman from Minnesota is recognized for 5 minutes in support of his amendment.

Mr. FRASER. Mr. Chairman, this amendment deals with the MIRV program. What it does is to take the money that has not been spent and put it into a special fund to be held until the President decides that we must move ahead with the completion of the MIRVing of our submarines and land-based missiles. In other words, Mr. Chairman, this amendment does not cut any funds and it does not reduce the authority of the

President to proceed with his programs, provided that sometime hereafter the President decides it is imperative that the United States proceed with the multiple-warhead program.

Mr. Chairman, the MIRV program is a weapons system in search of a rationale. The MIRV program was started some 3 or 4 years ago for one major purpose only, and that was to enable the U.S. offensive forces to penetrate an ABM system to be built by the Soviet Union. The Soviet Union has never built the ABM system for which the MIRV's were designed. The most the Soviet Union ever built was about 64 launchers around Moscow, an inferior ABM system, and then they stopped building it. For 2 or 3 years they have not made any progress. They have not gone any further with their ABM.

Yet we have been proceeding with billions of dollars in expenditures for the multiple-warhead program to overcome a defense which does not exist.

Mr. Chairman, the President announced just a few weeks ago that we are going to get an agreement with the Soviet Union to limit ABM systems. It was the expectation of the President that before the year is out we will not have any ABM systems of any size either in the Soviet Union or in the United States.

If the President's prediction proves to be true, then clearly we do not need the multiple-warhead program, and any money spent between now and then will be wasted money, wasted money that could be used for other purposes and needs here in the United States.

I am not proposing to cut out this money but simply to put it into a special account pending completion of the SALT talks, and if they fail, and if it turns out that the Soviets are going ahead with an ABM system or other offensive missiles that would compel us to resume the program, there is nothing that would prevent the President from moving ahead.

Mr. Chairman, I provide that the stoppage of the MIRV program for the submarines stops at the 50-percent level, the halfway mark. So we can put multiple warheads on 16 out of the 31 submarines which were intended to be MIRVed under the complete program. When the 16 submarines have the multiple warheads—and this is what my amendment would provide—we will have added 2,300 more separately targetable warheads to the submarine arsenal.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. FRASER. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. HALL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. Mr. RONCALIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, with the 16 submarines which I provide will be equipped with multiple warheads, and 100 Minutemen having been converted to Minuteman III, we will have added

2,500 new warheads in the past 18 months, which is more warheads than the whole total Soviet arsenal. There is no need to go further. There is no need to add another 3,000 or 4,000 separate warheads at least until we find out what is happening with the SALT talks.

The Armed Services Committee never once in 10 years has halted or slowed down any of the nuclear strategic programs. The only action the Armed Services Committee has ever taken has been to push the strategic arms race ahead, principally by insisting on the development of the B-1 bomber over the opposition of the Secretary of Defense. Never once has the committee questioned a program, "Let us perhaps do it a little differently," or "Let us halt a program we do not need."

I believe the time has come when the Armed Services Committee and the House of Representatives ought to begin to look at what the facts are and to recognize that we are fueling an arms race which threatens to destroy the entire planet.

If we do not exercise some judgment who will? Who will exercise the judgment if we do not begin to look at these facts with some care?

Mr. Chairman, I urge the adoption of this amendment. It does not cut off the funds, but simply puts them in escrow pending determination by the President that in fact those expenditures will be required if the SALT talks fail.

I thank the gentleman for yielding.

Mr. RONCALIO. Mr. Chairman, I am not a strategist or a military man of any learning. The largest unit I can speak for is a rifle company, or possibly an infantry battalion in which I lived for some 4 years of my life.

I know that in our nuclear deterrent we are the strongest Nation in the world, and this the world respects. Our power the world will continue to respect.

Let us now give the world an example of leadership and morality which the world will also respect.

This amendment does not tie the President's hands. This amendment is in support of our spokesmen at the SALT talks. This amendment will give support to the development of the ICBM's we now have our missile program, and help to make us a strong Nation and help to give us credibility in a world which we so dearly need.

Ladies and gentlemen of the House, I respectfully urge support of this amendment.

(Mr. RONCALIO asked and was given permission to revise and extend his remarks.)

Mr. HOLIFIELD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. The gentleman from Minnesota says that this is to give the President time to decide whether we should go ahead with the MIRV, the multiple warhead missile. The President has already decided that. The Congress has already decided that.

It was not for anti-ABM use. That was not the purpose of the multiple warhead. It was to increase our offensive capability,

to send in one missile head a number of explosive missiles which could be directed to different targets. That is what it was for.

The ABM was designed not because of the MIRV but to protect the United States against Soviet intercontinental ballistic missiles of all types, including multiple reentry missiles from one warhead.

The MIRV is designed to offset in the balance of power race, multiple reentry warheads from a single missile with or without multiple warheads. MIRV missiles have already been constructed by the Soviet Union in the past and they are now being constructed by them. That is what the MIRV is for.

I cannot understand this kind of logic where you tie our hands against a weapon which is designed to protect the United States while the adversary is continuing to make those weapons. It is incomprehensible to me.

Mr. FISHER. Will the gentleman yield?

Mr. HOLIFIELD. Yes. I yield to the gentleman from Texas.

Mr. FISHER. The President and the Congress have already decided it is in the national interest and in keeping with the best interests of the national security to proceed with the MIRV program. So, if this amendment were adopted, then the President would be faced with the question of whether to proceed with it or to withdraw from the SALT talks. That is the practical effect, is it not?

Mr. HOLIFIELD. Of course, the gentleman is right. We are talking in SALT, and I am for the SALT talks and I have supported the SALT talks, and we are placing different weapons on the negotiation table and offsetting them against other Soviet weapons. Take away our counters and the other fellow has all of the counters. Then how will you negotiate? I do not know how.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Chairman, I want to commend the gentleman for the fine statement he has just made.

There were many of us who were around in the past when new weapons systems were developed. This brings you back in mind to the time when you heard all of the arguments against the development of the Polaris missile and the Poseidon on the nuclear submarine. These weapons have proved to be over the years the greatest deterrents to war that we have ever had rather than being weapons which would provoke one.

Mr. HOLIFIELD. The gentleman is exactly right. The Poseidon and the nuclear submarines have been the frontline of our defense against any kind of Soviet encroachment and as a part of our security, because they have been hard to find and have been on the job at all times in the different oceans of the world ready to launch an attack on the enemy when the enemy launched an attack on us. That is what they are for. They have never been used in anger and will never be used in anger, but they stand there as the most forceful deterrent against a

sneak attack on the United States of any kind of weapons system in the world.

Mr. JACOBS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not suppose there is anything more in the American tradition than to allow a cause or a person to have its or his day in court. That means fair play: that means letting the other fellow have his say, and it means inconvenience and it means patience. I would like for the RECORD to show that one Member—and I am sure many other Members of this body feel the same way—who on frequent occasions in years past and even on this day has not always agreed with the recommendations of the Committee on Armed Services, feels that the RECORD should show admiration and commendation for the chairman of the Committee on Armed Services for the eminently and demonstrably fair fashion in which he has conducted his work in this debate.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. FRASER).

The question was taken; and on a division (demanded by Mr. FRASER) there were ayes 32, noes 146.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. LEGGETT

Mr. LEGGETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEGGETT:
"Sec. 502. No funds authorized by this legislation may be used to procure aircraft missiles, naval vessels, tracked combat vehicles, torpedoes and other weapons to support after January 1, 1972, deployed forces in the European Theater of Operations in excess of 270,000 men: *Provided, however,* That the President shall have the power to except from this limitation on condition that he reports to the Congress fully on the reasons for such exception."

(Mr. LEGGETT asked and was given permission to revise and extend his remarks.)

Mr. LEGGETT. Mr. Chairman, this is my last amendment. We have had a lot of very commendable debate here today. This, however, is an important amendment. The Senate debated the NATO force structure for something like 2 or 3 weeks and here we are when we will probably dispose of this amendment in 3 or 4 minutes.

Mr. Chairman, as the Members know, our nonclassified force structure in northern Europe today numbers about 200,000 men in Germany. The 6th Fleet comprises some 50,000 men and the balance of our force is split over perhaps 1,000 bases between Iran, Cairo, Turkey, Morocco, Iceland, and the NATO member countries.

While the United States is interested in reducing tensions around the world and reorienting priorities, it is this Nation that today has the troops in 3,000 locations around the world.

To my knowledge the Soviets, for all their noise and bravado, have not ventured out of Eastern Europe. They have no troops in Japan, the Pacific, and the American Hemisphere, save advisers in Cuba. They have no troops in Indonesia

June 17, 1971

CONGRESSIONAL RECORD—HOUSE

H 5407

or Indochina. No advisers have been noted in North Vietnam.

True, they have a few air squadrons in Egypt, and while they have ships in the Mediterranean, their ships are sea locked in the Black Sea and by the closed Suez. The Allies control Malta and Gibraltar and the United States and Britain also have virtual control of the entrances to the English Channel and the North Sea.

As far as the Chinese are concerned I have yet to receive knowledge that they have troops anywhere off the western portions of the Asian Continent.

It is in the American interest that our farflung military empire be contracted.

What I have offered is not a new Mansfield 50-percent amendment, but what I call a Willie Brandt "small step" amendment. The Secretary of State said over the weekend that we would probably negotiate a mutual 10- to 15-percent reduction in NATO-Warsaw forces in the near future. The effect of the pending amendment is to cut through the form of negotiation.

Do not worry about pre arrangements with our Allies which appear to be very troublesome and nebulous but lets unilaterally program a 10-percent reduction for January 1 next.

If the Soviet reciprocate their notice of intention we let the cut go through. If not, the President has the authority under the amendment to report to the Congress that this cut is not in the national interest and the amendment is not binding.

The Soviets stated a few weeks ago as follows:

Moscow, March 30.—General Secretary of the Central Committee of the CPSU Leonid Brezhnev, speaking at the party congress in the Kremlin, noted the major tasks of the Party in the field of international relations:

"First:
"To eliminate the hotbeds of war in South-east Asia and in the Middle East and to promote a political settlement in these areas on the basis of respect for the legitimate rights of states and peoples subjected to aggression.

"To rebuff, firmly, and immediately, all acts of aggression and international lawlessness. For this, full use must also be made of the possibilities of the United Nations.

"Repudiation of the threat or the use of force in settling differences must become a law of international life. For its part, the Soviet Union suggests that the countries which accept this approach conclude appropriate bilateral or regional treaties.

"Second:
"To proceed from the final recognition of the territorial changes that took place in Europe as a result of the Second World War. To bring about a radical turn towards a detente and peace on the continent. To ensure the convocation and success of an all-European conference.

"To do everything to ensure collective security in Europe. We reaffirm the readiness expressed jointly by the member countries of the defensive Warsaw Treaty to simultaneously annul this treaty and that of the North Atlantic Alliance or—as a first step—to dismantle their military organizations.

"Third:
"To conclude treaties banning nuclear, chemical and bacteriological weapons.

"To work for an end to the testing of nuclear weapons, including underground tests, by everyone and everywhere.

"To promote the creation of nuclear-free zones in various parts of the world.

"We stand for the nuclear disarmament of all states in possession of nuclear weapons, and for the convocation for that purpose of a conference of the five nuclear powers—the USSR, the United States, the People's Republic of China, France and Britain.

"Fourth:

"To invigorate the struggle to halt the race in all types of weapons, we favor the convocation of a world conference to consider all aspects of disarmament.

"We stand for the dismantling of foreign military bases. We stand for a reduction of armed forces and armaments in areas where military confrontation is especially dangerous, above all in Central Europe.

"We consider it advisable to work out measures that would reduce the likelihood of accidental or deliberately fabricated armed incidents that could lead to international crises and war.

"The Soviet Union is prepared to negotiate agreements to cut military expenditures, above all by the major powers.

"Fifth:

"The U.N. decisions to end the remnants of colonial rule must be carried out in full. Manifestations of racism and apartheid must be universally condemned and boycotted.

"Sixth:

"The Soviet Union is prepared for mutually advantageous cooperation in every sphere with other interested states. Our country is prepared to work with other states on such common problems as the preservation of the environment, the development of power and other natural resources, the development of transport and communications, the prevention and eradication of the most dangerous and widespread diseases, and the exploration and development of outer space and the world ocean."

Brezhnev emphasized that over the past five-year period the economic potential of the socialist states had grown substantially, the political foundations of socialism had been strengthened, the standard of living of the people had risen.

The report notes "important successes in coordinating the foreign-policy activity of the fraternal parties and states." In recent years the Warsaw Treaty military organization has been further improved. "The armed forces of the allied powers are at a high level of preparedness and are capable of guaranteeing the peaceful endeavors of the fraternal peoples."

Once this is reached, we feel that there could be a consideration of further steps for a military detente in the whole area, in particular, for converting the Mediterranean into a sea of peace and friendly co-operation," Brezhnev said.

The Soviet Union is working for positive results in its negotiations with the United States to limit strategic armaments. "Disarmament talks in general can be productive only," Brezhnev said, "If equal consideration is given to the security interests of all parties concerned, and if no one seeks for unilateral advantages."

In the recent period, the United States administration "has taken a more rigid stance on a number of international issues, including some which have a bearing on the interests of the Soviet Union."

We proceed from the assumption," the General Secretary of the CPSU Central Committee emphasized, "that it is possible to improve relations between the USSR and the United States."

Commenting on the situation in Europe, Leonid Brezhnev said that the convocation of an all-European conference could serve to improve the general situation. He noted that most states now backed this conference. "Preparations for it are moving into the area of practical politics."

The speaker noted that Soviet-French relations has had "important positive consequences for the whole course of European affairs."

"We stand for the further development and deepening of relations between the USSR and France, and regard this as an important element in international security."

"New prospects in Europe are opening up as a result of a substantial shift in our relations with the Federal Republic of Germany," Leonid Brezhnev stated. There is a sharp demarcation of political forces in West Germany over the ratification of the treaties the USSR and Poland have signed with the FRG.

"Delay in ratification would result in a fresh crisis of confidence in the whole of the FRG's policy and would worsen the political climate in Europe and the prospects for easing international tensions."

"As for the Soviet Union, it is prepared to meet the commitments it has undertaken under the Soviet-West German Treaty."

As for West Berlin, Brezhnev said that if the United States, France and Britain proceeded, from respect for the allied agreements on the special status of West Berlin, from respect for the sovereign rights of the German Democratic Republic, the current talks could be successfully concluded.

Alexei N. Kosygin stated as follows on April 6, 1971:

The Soviet Union and the fraternal socialist countries invariably worked for peaceful coexistence between states with different social systems, that we did not regard war as inevitable, and were therefore for economic competition between the two systems. We were against closed trade groupings such as the common market. We advocated comprehensive development of multi-lateral economic ties without any discrimination. That was our principled stand. We were ready for cooperation with every state which showed the desire for such cooperation and adhered to the principles of peaceful coexistence.

Andrei A. Gromyko stated on April 6, 1971:

We have no territorial claims to put to any states of the world and no intentions at all of impairing anyone's lawful rights and interests. But we also demand that our own country be treated in the same fashion.

Anyone really prepared to come to terms with us on matters that call for settlement will always find a serious and responsible partner in the person of the Soviet Union. But all desirous of encroaching upon our interests and security, upon the interests and security of our friends and allies, each time see for themselves that a policy of this order has no future.

I say, let the Soviets put their reductions where their mouth is. Let us take the troop reductions out of politics.

Mendel Rivers, my former chairman, said in this regard last year at Claremont College:

The military programs that we have voted for in the House are, in effect, responses to meet commitments created by the Senate and the Executive Branch.

Yet, I sometimes sit in wonder and listen to Senators refer to me as a field marshal or a kind of super militarist.

I think the Congress will right the order of procedure in the coming years and review our foreign policy commitments and quite possibly reduce them.

In line with this, I expect to see a real effort to reduce our troop strength in Europe. And I personally think it is time to study such reductions, or at least take a hard look at the service personnel needed to support our substantial number of dependents in that area.

I also expect our military manpower to be reduced considerably following the war in Vietnam, possibly even below the level that it was in 1964 before the great buildup for Vietnam began. If you study the Defense

H 5408

CONGRESSIONAL RECORD—HOUSE

June 17, 1971

budget, you will find that people are our most expensive product. You can save a lot more Defense money by reducing the number of people than by cutting out a few weapons systems.

It is a great fiction that all of our Defense money goes for big systems like the ABM, the F-15, the Polaris missile, etc. If you look at the Defense budget closely, you will find that we spend more money on people than all of the weapons systems combined. The cost of the Defense budget for personnel, military and civilian, is something over \$40 billion a year.

I believe that personnel reductions can be considered in the years ahead, but I do not think we can consider a reduction in our technological capability.

I am not as concerned with the size of our armed forces as I am concerned with keeping our defenses as advanced as we can make them so as to not fall behind those powers which are working intensely to achieve technological superiority over us.

We may reduce our commitments in many areas. We may reduce our forces to meet those commitments. But we simply cannot slow down the forward thrust of our strategic capabilities because the threat they were designed to meet is not going away.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LEGGETT).

The amendment was rejected.

AMENDMENT OFFERED BY MR. HARRINGTON

Mr. HARRINGTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARRINGTON: On page 5 strike out line 18 and all that follows thereafter down through page 7, line 4.

Mr. HARRINGTON. Mr. Chairman, and Members of the House, let me in my pursuit of one more lost cause attempt to describe what this is all about.

This is the anomaly of the military procurement bill. It involves \$2.5 billion of authorized funds for the support of local and so-called free world forces in southeastern Asia. My objection is not one for the purpose of obliterating the program, but to its being contained in a military procurement bill which in general has as its stress the development of weapons systems, hardware of various kinds, ships, and other materiel for this country's defense.

Frankly, what bothers me, and I hope it might bother those who are still paying attention to what is going on, is that the matter, like almost all other sections of this bill, was heard in secrecy. Let me recite the situation:

The hearing started with the chief witness, the Assistant Secretary of Defense, with six of the 41 members of the Committee on Armed Services present. The chairman and I fenced in efforts to get the hearing opened so that the public and the Members of the Congress who were interested might have a chance, so they will not repeat history in a New York Times version 5 or 10 years from now, to know what we were doing in Laos, Thailand, and Vietnam. The effort was unsuccessful.

And I might note, out of fairness, that by the time the hearing was over where we devoted 2 hours to this \$2.5 billion amendment, we had 21 members of the Committee on Armed Services present.

I am not saying this to defend my attendance record. I am just saying it to give you some idea of the degree of the seriousness attached to the question of this kind of program.

Until 1966 all of these funds were in our military assistance program, heard and developed by the Committee on Foreign Affairs in the House. And this is really all I am asking. I am not asking that we strike this money with the expectation that it should stay out. I am asking this so that the Congress does not find itself in the situation that was developed this week, in a study of the Nixon era in the conduct of its southeastern Asian foreign policy, where we are in the position of not knowing what they were doing. What I am suggesting is that we tear aside the veil of secrecy surrounding this process and open it up to debate, turn it over to the Committee on Foreign Affairs where our military assistance for the rest of the world is developed, and in so doing devote more than 3 hours on one obviously "pro" witness to the discussion of this subject, which involves more than 10 percent of this entire appropriation.

At least allow knowledge on the part of the House, if they want that knowledge, to be a part of what they do in deciding whether they are going to allow these funds to be used for the purposes which may involve an expansion rather than a contraction of our presence in other parts of southeastern Asia.

That is really the essence of what I am suggesting.

I hope in making this record, and I realize this is all this is going to be, that we at least let the American people know the degree of attention accorded to the expenditure of \$2.5 billion which could commit us in a continuing venture to other parts of southeastern Asia over the next few years.

So my purpose is not to say—do not award the money—do not use it for the purposes stated—but to open this process up and give it to the committee that historically has had it and let us at least have the House begin to participate in a remotely relevant way in the discussion of what our policy is going to be in this area.

Mr. HÉBERT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, of course, we all recognize the gentleman's diligence and his great knowledge of the past and of history. But during the gentleman's short time in the Congress, he does not know the history of the switching of the funds to the Committee on Armed Services in 1966.

If the gentleman cares to study the history and illuminate himself on that subject matter, he will find that the late chairman of the committee, Mr. Rivers, insisted upon the Committee on Armed Services having jurisdiction over that money and he succeeded in having that transferred in that area alone to the Committee on Armed Services.

The gentleman from Massachusetts should also recognize the facts of life and the realities of life: That, if the military assistance program was not tied in with the foreign aid program, you

would not have had a foreign aid program for the last 15 years. It would have been dead. So he should know this.

However, because there is little time to discuss the merits and demerits, but he is a very intelligent young man and one of the most intelligent young men that I have met since I have been a Member of the Congress, and I am delighted to have the gentleman sitting in front of me in the committee and observe how the committee is run. But the only thing I can say is to ask that this amendment be voted down and I would point out the expression of opinion in our committee, on this amendment, was 36 to 1, and his was the lone vote.

Mr. HARRINGTON. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. Certainly, I yield to the gentleman.

Mr. HARRINGTON. I appreciate the gentleman yielding—I mean the chairman. I am sorry. I stand corrected as I do often in the Committee on Armed Services.

Mr. HÉBERT. That is how the gentleman learns.

Mr. HARRINGTON. I appreciate the recognition the gentleman has accorded my presence on the committee. I only really wish to say that I am aware of the history which I think I tried fairly to allude to in the course of my discussion—at least that part of it which was heard.

My point really is only this. The historical reason for this change in committees was a full-scale involvement of this country to a greater degree than we presently are now.

We have a program that is questionable, I suppose—questionable as to the end results sought, called Vietnamization, which calls for our departure from Southeast Asia. My only feeling is this—that it may be well to provide some historical reason to restore to the Committee on Foreign Affairs its traditional jurisdiction.

I think it is something more than symbolic and logistical—this whole question of our policy in Southeast Asia. I do not want to be apprised how this all developed in the New York Times or a Louisiana paper or a west coast paper 5 years from now. I just want to make absolutely sure that the Members of this House know that at the time when the matter was determined in the Committee on Armed Services, the number of people present ranged from 6 to 21 and there were 2 hours of debate, and further that the vote to which the gentleman referred as being 36 to 1 was during the markup session when the bill in general was being dealt with. I think the basic distinction is that most of the membership who voted ultimately were not present to hear the discussion nor were opposition witnesses heard. I think the American public should certainly have a right to know and be able to be aware of the nature of this appropriation before we vote for something as substantial and as a far-reaching as this.

Mr. HÉBERT. I can say that there came into being years ago a foreign aid program growing out of the Marshall

June 17, 1971

CONGRESSIONAL RECORD—HOUSE

H 5409

plan. That is the time they tied up the military area, and I hope the day will come when that program is in such shape that I can vote against foreign aid.

Mr. SEIBERLING. Mr. Chairman, I rise in support of the amendment, and move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. SEIBERLING. I will not take a minutes. I wish to commend the gentleman from Massachusetts (Mr. HARRINGTON) for his courage as well as his insight. I will support this amendment, just as I will oppose the entire authorization bill, because so long as we fail to put a cutoff date on this war, I will not vote for any legislation that will help to continue the war.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. HARRINGTON).

The question was taken; and on a division (demanded by Mr. HARRINGTON) there were—ayes 29, noes 128.

So the amendment was rejected.

AMENDMENT OFFERED BY Mr. PEPPER

Mr. PEPPER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PEPPER: On page 7, after line 4, insert the following: "Sec. 402. (a) Subject to the provisions of subsection (c) of this section, no funds authorized under this act may be expended after June 1, 1972, to support the deployment or maintenance of United States Armed Forces in or the conduct of United States military operations in or over Indochina. "(b) Nothing in this section shall be construed to affect the authority of the President to:

"(1) provide for the safety of American Armed Forces during their withdrawal from Indochina,

"(2) arrange asylum or other means of protection for South Vietnamese, Cambodians, and Laotians who might be physically endangered by the withdrawal of American Armed Forces, or

"(3) to provide assistance to the nations of Indochina, in the amounts approved by the Congress, consistent with the objectives of this section.

"(c) This section shall have no force or effect if North Vietnam and other adversary forces in Indochina holding American prisoners of war or Americans designated as missing in action but held as prisoners of war have not completed the release and repatriation of all such prisoners and missing in action by a date 60 days prior to the date in subsection (a)."

The CHAIRMAN. The gentleman from Florida is recognized in support of his amendment.

Mr. PEPPER. Mr. Chairman and Members of the Committee, I feel a sense of guilt to take the time of the committee so late in the day, but I have waited a long time to have the opportunity to offer my amendment, and I would appreciate your giving me the opportunity now to explain it.

The amendment is the same as the one introduced in the other body yesterday by my distinguished colleague from Florida, Senator CHILES, and received 44 votes as against 52 in opposition.

There are two essential differences between this amendment and the Nedzi-Whalen amendment.

This amendment would prohibit the expenditure of any funds authorized by this act in the Indochina war after June 1, 1972, about a year from now, and 6 months later than the time specified in the Nedzi-Whalen amendment.

In the second place, this amendment specifically provides that this cutoff date shall not be effective if, 60 days prior to June 1, 1972, if this amendment is adopted, the enemy that holds our prisoners has not released and repatriated all those prisoners. This amendment, then, does not contemplate our pulling out, stopping our operations, without the return of our prisoners.

Mr. Chairman, Members will remember that Winston Churchill said one time:

If we open a quarrel with the past and the present we shall find that we have lost the future.

I do not rise here today to recriminate, to condemn, to castigate any President or any party. The past is past. But I raise the question whether this House wishes to continue to be a joint partner in the enterprise of continuing to conduct this war at least beyond June 1, 1972, provided 60 days before that date our prisoners of war have been repatriated.

Mr. Chairman, there is just one thing I should like to emphasize here today, and that is the courts are holding that, by every act we do to provide material and personnel and money for the conduct of this war, we are acting in the constitutional equivalent of voting for a declaration of war.

My first authority for that is Berk against Laird in the U.S. District Court for New York. This is headnote No. 1:

Notwithstanding lack of explicit declaration of war, Congress has authorized hostilities in Vietnam in a manner sufficiently explicit to satisfy constitutional requirements.

Later in this opinion the court quotes the U.S. Supreme Court, which said that when Congress appropriates money in furtherance of an act of the Executive, whether authorized or not, we ratify that Executive action.

I wish to quote one other authority, the Second Circuit Court of Appeals in the case of Orlando against Laird, decided April 20, 1971. I quote from this opinion on page 2490:

As we see it, the test is whether there is any action by the Congress sufficient to authorize or ratify the military activity in question. The evidentiary materials produced at the hearings in the district court clearly disclose that this test is satisfied.

The Congress and the Executive have taken mutual and joint action in the prosecution and support of military operations in Southeast Asia from the beginning of those operations.

Mr. Chairman and Members of the Committee, would we vote this afternoon for a declaration of war to continue these activities of military character in Indochina after June 1, 1972? If we do not prohibit the employment of personnel and materiel—materiel in this case—made available by this bill for Indochina we are, in the eyes of the courts, declaring or voting for a declaration of war there.

Mr. Chairman, I do not believe the

Congress wishes to continue the joint enterprise of this tragic war beyond that time. Today is the first day I have voted, as the able Chairman knows, to curtail our fighting this Indochina war. I do hope you will adopt this amendment to place a limit of June 1, 1972, on our participation in this repulsive war if 60 days before that date our prisoners have been returned home.

Mr. HEBERT. Mr. Chairman, I rise in opposition to the amendment.

We are again plowing the same ground. This particular amendment was defeated in the other body after a debate of weeks and weeks and weeks, and today we repeatedly defeated amendments with practically the same objective as this one. There is no use discussing it any further. The House expressed its will on several occasions. I urge the defeat of the amendment and ask for a vote.

Mr. ALEXANDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Florida.

Today we have heard, time after time, stories of the disillusionment and the torment of our people due to the lingering military presence of these United States in Indochina. It is my feeling that, while we owe the duty and obligation to support the President of the United States, we also owe the duty and obligation to our people to give them a date certain upon which they can fix their hopes and aspirations that we will some day in the near future disengage from that terrible war in Vietnam.

I like the approach taken by my colleague from Florida, because he addresses his amendment to two problems. First the problem of actually fixing a date and conditioning the termination of this war upon the settlement of the prisoners-of-war problem and the problem of our people who are missing in action.

Mr. Chairman, I urge my colleagues in the Congress to support this amendment and to give our people in this country some hope in the near future that this war will terminate.

Mr. FASCELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague from Florida, and I would like the Record to show that I was a cosponsor of this amendment.

While it may be said that this is old ground, and it has been fought over and over again, and the votes have indicated the desires of this Chamber to the contrary, there are some important differences which my able colleague has pointed out.

I support the amendment and previous amendments to this intent because I believe that present policy as extended is based on an erroneous premise. I support the theory of withdrawal. I support the President in his action to terminate the war. I do not agree, however, that a residual force remaining in Vietnam will do anything to bring the North Vietnamese to negotiate about anything. I do not think the North Vietnamese will negotiate about anything with this country because we are doing everything that they want done at this

H 5410

CONGRESSIONAL RECORD — HOUSE

June 17, 1971

point. Therefore, it seems to me, when one examines the extension of the logic of what a residual force will do, that we cannot support the contention that additional lives ought to be lost for that purpose.

I think the time has come to state realistically what it is we are doing and to recognize the fact that the North Vietnamese are not going to give us the right time of day with respect to negotiation.

If that is true—and I believe it is—then I think we ought to vote to get out in terms of a total force and resolve the question of the present policy which is predicated upon the maintenance of a residual force in order to bring about a political settlement of the dispute, which I do not think will come about.

That is the reason why I am supporting this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. PEPPER).

TELLER VOTE WITH CLERKS

Mr. PEPPER. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. PEPPER. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Mr. HÉBERT, Mr. PEPPER, Mr. ALEXANDER, and Mr. PRICE of Illinois.

The Committee divided, and the tellers reported that there were—ayes 147, noes 237, not voting 50, as follows:

[Roll No. 145]

[Recorded Teller Vote]

AYES—147

Abourezk	Gallfanakis	Pryor, Ark.
Abzug	Gaydos	Pucinski
Adams	Gray	Rangel
Addabbo	Green, Pa.	Rees
Alexander	Gude	Reid, N.Y.
Anderson, Calif.	Hamilton	Retuss
Anderson, Tenn.	Harrington	Riegle
Aspin	Harvey	Robison, N.Y.
Badillo	Hathaway	Rodino
Barrett	Hechler, W. Va.	Roncalio
Begich	Hicks, Wash.	Rooney, Pa.
Bennett	Howard	Rosenthal
Bergland	Hungate	Rostenkowski
Biaggi	Jacobs	Roush
Bieber	Karth	Rousselot
Bingham	Kastenmeier	Roy
Blatnik	Koch	Roybal
Boland	Kyros	Ryan
Brademas	Landrum	St Germain
Brasco	Leggett	Sarbanes
Broomfield	Link	Scheuer
Burke, Mass.	Long, Md.	Schwengel
Burlison, Mo.	McCloskey	Seiberling
Burton	McCormack	Smith, Iowa
Byrne, Pa.	McDade	Smith, N.Y.
Carney	McDonald,	Snyder
Celler	Mich.	Stanton
Chisholm	McKinney	J. William
Collins, Ill.	Maddison	Stanton,
Collins, Tex.	Mass.	James V.
Conte	Madden	Steele
Cotter	Matsunaga	Stokes
Coughlin	Mazzoli	Sullivan
Culver	Meeds	Symington
Daleis, N.J.	Meicher	Taylor
Danielson	Mikva	Thompson, N.J.
Denholm	Minish	Tierman
Dingell	Mink	Udall
Dow	Mitchell	Van Deerlin
Downing	Monagan	Vanik
Drinan	Moorhead	Vigorito
Eckhardt	Mosher	Waldie
Edwards, Calif.	Murphy, Ill.	Watts
Ellberg	Natcher	Whalen
Evans, Colo.	Nedzi	Widnall
Fascell	Nix	Wolf
Flynt	Obey	Yates
Fraser	O'Neill	Yatron
Fulton, Pa.	Pepper	Zwack
Fulton, Tenn.	Perkins	
	Podell	
	Preyer, N.C.	

NOES—237

Abbott	Flowers	Myers
Abernethy	Foley	Nelson
Albert	Ford, Gerald R.	Nichols
Anderson, Ill.	Ford,	O'Rourke
Andrews, Ala.	William D.	Paschall
Andrews,	Forsythe	Patman
N. Dak.	Fountain	Patton
Annunzio	Frelinghuysen	Peterson
Archer	Gallagher	Peyser
Arends	Gettys	Pickens
Ashbrook	Glaimo	Pike
Aspinall	Gonzalez	Pirnie
Baker	Goodling	Posner
Baring	Griffin	Poff
Belcher	Gross	Powell
Bell	Grover	Price, Ill.
Betts	Gubser	Price, Tex.
Bevill	Hagan	Purcell
Blackburn	Haley	Quinn
Blanton	Hall	Quillen
Boggs	Hammer-	Randall
Bolling	schmidt	Randall
Bow	Hanley	Reid, Ill.
Bray	Hansen, Idaho	Rhodes
Brinkley	Hansen, Wash.	Roberts
Brooks	Harsha	Robinson, Va.
Brotzman	Hastings	Roe
Brown, Mich.	Hays	Rogers
Brown, Ohio	Hébert	Rosen, N.Y.
Broyhill, N.C.	Henderson	Ruth
Broyhill, Va.	Hicks, Mass.	Sandman
Buchanan	Hillis	Satterfield
Burke, Fla.	Hogan	Saylor
Burleson, Tex.	Hollifield	Schlesinger
Byrnes, Wis.	Horton	Schmitt
Byron	Hosmer	Schnepp
Cabell	Hull	Scott
Caffery	Hunt	Sebelius
Camp	Hutchinson	Shapiro
Carter	Jarman	Shriver
Casey, Tex.	Johnson, Calif.	Sisk
Cederberg	Johnson, Pa.	Skubis
Chamberlain	Jonas	Slack
Chappell	Jones, Ala.	Smith, Calif.
Clancy	Jones, N.C.	Spence
Clark	Jones, Tenn.	Springer
Clausen,	Kazen	Stafford
Don H.	Keating	Staggers
Clawson, Del.	Kee	Steed
Cleveland	Keith	Steiger, Ariz.
Collier	Kemp	Steiger, Wis.
Colmer	King	Stephens
Conable	Kluczynski	Stratton
Conyers	Kuykendall	Stubbins
Crane	Kyl	Talcott
Daniel, Va.	Landgrebe	Teague, Calif.
Davis, Ga.	Latta	Thompson, Ga.
Davis, S.C.	Lennon	Thompson, Wis.
Davis, Wis.	Lent	Thone
de la Garza	Lloyd	Ullman
Delaney	Lujan	Waggoner
Dellenback	McClary	Wampler
Dellums	McClure	Ware
Dennis	McCollister	Whalley
Derwinski	McFall	White
Devine	McKay	Whitehurst
Dickinson	McKevitt	Whitten
Dorn	Mahon	Wiggins
Dulski	Maillard	Williams
Duncan	Mann	Wilson, Neb.
du Pont	Martin	Winn
Dwyer	Mathis, Ga.	Wright
Edmondson	Mayne	Wylder
Edwards, Ala.	Miller, Calif.	Wylie
Erlenborn	Miller, Ohio	Wyman
Eshleman	Mills, Md.	Young, La.
Evin, Tenn.	Minshall	Young, Tex.
Findley	Mizell	Zablocki
Fish	Mollohan	Zion
Fisher	Montgomery	
Flood	Morgan	

NOT VOTING—50

Ashley	Green, Oreg.	Moss
Carey, N.Y.	Griffiths	Murphy, N.Y.
Clay	Halpern	O'Hara
Corman	Hanna	Pelly
Dent	Hawkins	Railsback
Diggs	Heckler, Mass.	Runnels
Donohue	Helstoski	Ruppe
Dowdy	Ichord	Shoup
Edwards, La.	Long, La.	Sikes
Esch	McCulloch	Stuckey
Frenzel	McEwen	Tengue, Tex.
Freym	McMillan	Terry
Fuqua	Mathias, Calif.	Vander Jant
Garmatz	Metcalfe	Veysey
Gibbons	Michel	Wilson
Goldwater	Mills, Ark.	Charles
Grasso	Morse	Wyatt

So the amendment was rejected.

Mr. DOWNING. Mr. Chairman, I ask unanimous consent to change my vote from "no" to "aye."

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

AMENDMENT OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RANGEL: Page 7, line 4, strike out the period and insert the following: "Provided further, That none of the funds authorized to be made available under the first sentence of this paragraph to support the purposes stated in clause (A) or (B) of such first sentence may be so used in any manner or to any extent with respect to Vietnamese, Laotian, or Thai forces, as the case may be, if the President determines that the government of South Vietnam, Laos, or Thailand, respectively, has failed to take appropriate steps to prevent narcotic drugs (as defined in section 101(16) of the Controlled Substances Act) produced or processed, in whole or in part, in such country from entering the United States unlawfully. Such suspension shall continue until the President determines that the government of such country has taken appropriate steps to carry out the purpose of this proviso. In implementing the provisions of this proviso, the President is authorized to utilize such agencies and facilities of the Federal Government as he may deem appropriate to assist foreign countries in their efforts to prevent the unlawful entry of narcotic drugs into the United States. The President shall keep the Congress fully and currently informed with respect to any action taken by him under this proviso. Nothing contained in this paragraph or any other provision of law shall be construed to authorize the President to waive the provisions of this proviso."

Mr. HÉBERT. Mr. Chairman, I make a point of order against the proposed language as not germane to the bill. It refers to a subject not included in the bill, the matter of narcotic drugs, which is under the jurisdiction of another committee.

The CHAIRMAN. Does the gentleman from New York wish to be heard?

Mr. RANGEL. Mr. Chairman, may I ask the distinguished chairman of the committee to allow me to explain the amendment and to reserve his point of order?

Mr. HÉBERT. I will reserve the point of order.

Mr. RANGEL. That is certainly appreciated. I thank the gentleman.

The CHAIRMAN. The gentleman from Louisiana reserves the point of order.

The gentleman from New York is recognized for 5 minutes.

Mr. RANGEL. Mr. Chairman, I am certain that all of you are just as concerned as I am about the massive narcotics epidemic which has swept our country, eaten up the inner cities, and is now rolling into the suburban areas.

As Americans, we find ourselves not only being concerned about the danger narcotics poses to our children, but now also about the danger it poses to our fighting men who are putting their lives on the line in Vietnam.

The Bureau of Narcotics and Dangerous Drugs has reported that huge amounts of opium are grown and processed in the Far East and that much of it is beginning to be smuggled into the United States.

We have been fortunate enough in our august body to have Congressman MURPHY and Congressman STEELE visit

the very nations that we are asked today to continue to give military and political support. They have been able to confirm that not only are several high officials of those countries involved in the trafficking of drugs but also that these governments and their high officials are using the very same equipment that we give them to preserve democracy to transport these drugs from area to area. Americans all over are demanding a response from the Congress of the United States, and the President himself today in a message to Congress called for an all-out offensive.

I believe that this amendment is germane because while most of the military aid bills that come before the House originate from the Committee on Foreign Affairs—which has jurisdiction over our State Department MAP program—nevertheless as the distinguished chairman pointed out earlier, all of the military assistance that goes to the countries that are listed in today's bill comes from the Armed Services Committee. We are asked today to vote on a bill, a section of which places a ceiling of \$2.5 billion for military aid to the very nations that are cutting out the vitals of our youth in the United States and our fighting men abroad.

I say that if my amendment to this section of the bill is not germane, then this section itself is not germane.

All I ask in my amendment today is that we give the President the power to review whether these foreign governments are cooperating in curbing the production and trafficking of opium in their countries, and also that we give the President leverage to act against these nations if he believes they are not cooperating with us.

I cannot see how this is not germane, but I certainly will yield to the distinguished chairman of the Armed Services Committee.

Mr. MURPHY of Illinois. Mr. Chairman, I rise in support of the amendment of my colleague from New York (Mr. RANGEL).

As my colleagues in the House know, the President has stated that present efforts and procedures to control drug abuse are not sufficient in themselves. The problem has assumed the dimensions of a national and world emergency and that he intends to take every step necessary to deal with this emergency; including asking the Congress for a budget amendment requesting an additional \$155 million to carry out these steps. The President has also called for a coordinated Federal response. I can think of no other more effective weapon or special leverage than the Rangel amendment to give the President of these United States; especially in Southeast Asia. It would allow the President to see that the Vietnamese, Laos, and Thai forces begin clearing up the narcotics corruption among officials; therefore, I urge my colleagues to support the Rangel amendment.

(Mr. MURPHY of Illinois asked and was given permission to revise and extend his remarks.)

Mr. HÉBERT. Mr. Chairman, I insist on my point of order that the legislation

is not germane, that it refers to a subject matter not in the bill, and that it comes under the jurisdiction of another committee.

The CHAIRMAN. Does the gentleman from New York care to speak to the point of order?

Mr. RANGEL. I am here, Mr. Chairman, to learn.

It seems to me section 401 provides a ceiling on the amounts of money we can provide to the nations named in this bill. Mr. Chairman, is that correct?

Mr. HÉBERT. I believe the gentleman should address himself to the Chair.

Mr. RANGEL. I was only asking for an interpretation of the bill which came out of your committee.

Mr. HÉBERT. My interpretation of the bill which came out of the committee is that this type of language is not germane to the bill. It refers to drugs, which were not included in the committee bill. This is not under the jurisdiction of the committee. It is under the jurisdiction of another committee.

Mr. RANGEL. On the question of whether or not this is germane, I suspect I will have to learn a lot in terms of becoming a parliamentarian and a good Congressman. If I correctly heard earlier one of the questions raised in connection with an amendment to the bill, the chairman responded and indicated that in 1966 these countries—Laos, Thailand, and Vietnam—were transferred from the Department of State to the Department of Defense, and the jurisdiction remains in this committee.

It just seems to me, Mr. Chairman, if we are prepared under the jurisdiction of your committee to give \$2.5 billion to nations we know are trafficking in drugs, we may never have an opportunity, notwithstanding that this information has been gathered by the CIA, which has informed the Federal Bureau of Narcotics and Dangerous Drugs, and our two colleagues say they are offending us.

We are now asked to vote to give them \$2.5 billion.

Mr. HÉBERT. I support the gentleman's objective, before the proper committee, but this is not the time or the place.

The CHAIRMAN. The Chair is ready to rule on the point of order made by the gentleman from Louisiana.

Mr. RANGEL. A point of information, Mr. Chairman.

The CHAIRMAN. The Chair is ready to rule on the point of order raised by the gentleman from Louisiana.

Mr. RANGEL. I was just asking, before what committee would it be germane?

The CHAIRMAN (Mr. ROSTENKOWSKI). The amendment offered by the gentleman from New York provides that none of the military assistance funds authorized to be made available by this act for South Vietnamese, Laotian, or Thai forces shall be used if the President determines that the respective governments have failed to take appropriate steps to prevent narcotic drugs produced or processed in such countries from entering the United States unlawfully.

The President is authorized to utilize

other agencies and facilities of the U.S. Government to assist foreign governments in their efforts to accomplish this end.

The subject of narcotic drugs is not elsewhere introduced in the pending bill, and the Chair notes that the amendment would bring into contemplation agencies and departments of the Government other than those involved in the normal administration of the funds authorized by this bill. It would give the President authority and responsibilities which he does not have under existing law.

The Chair has examined a precedent of the 90th Congress, rendered when an amendment was offered to the foreign assistance authorization bill for fiscal 1967. That amendment provided that assistance to certain nations should be curtailed until the President determined and reported to the Congress that those countries have established tax reform measures.

The Chairman of the Committee of the Whole on that occasion, Mr. PRICE of Illinois, ruled that the amendment was not germane. RECORD, page 23977, August 24, 1967.

The Chair holds that the amendment introduces agencies and concepts not appearing otherwise in the pending bill, rendering the amendment not germane. The Chair, therefore, sustains the point of order raised by the gentleman from Louisiana.

Mr. VANIK. Mr. Chairman, today, during the debate on H.R. 8687, the fiscal year 1972 Military Procurement and Research and Development Authorization Act, we will be called to pass on a number of important amendments to this \$21.8 billion bill.

This is always a difficult bill for Members who are not on the Armed Services Committee to vote on. Our goal is to provide America with the strength, with the defense hardware necessary so as to provide a deterrent which will prevent the Armageddon of a third world war. It is also our goal, as representatives of the American taxpayer, to provide this defense with a minimum of waste, a minimum of padding and budget fat.

In the past, there has been a tendency to accept the word of the committee on faith. Fortunately, we are now beginning to see some real debate on the multi-billion dollar issues involved in these defense bills. A number of members of the committee have developed a great deal of expertise in military affairs and have been able to accurately question some of the assumptions in the bill and to offer sound alternatives and amendments for the consideration of the whole House. Witnesses are appearing before the committee, who are not connected with the Department of Defense which we are supposed to be overseeing. These witnesses, such as Dr. Jeremy J. Stone, director of the Federation of American Scientists, have been able to provide expert independent testimony on some of the items in this authorization bill.

At a time when the world's two superpowers have a destructive capability equal to approximately 15 tons of TNT for every man, woman, and child on this planet, at a time when the United States

is estimated to have the capacity to destroy the Soviet Union 10 times over, it is time that the Congress begin to assert some controls over what has been in the past an uncontrolled military expenditure.

As Secretary of Defense Laird has said:

Since studies within the NSC (National Security Council) and the Department of Defense focus on requirements, there is a built-in tendency to request more resources than are available. . . . We cannot and should not expect the Department of Defense or the NSC to decide on the final allocation of resources between Defense and non-Defense activities. The President and ultimately the Congress must make these decisions.

Therefore, in general, I intend to support a series of amendments to this bill by members of the Armed Services Committee, which will have the effect of tightening up the defense budget and ending our involvement in the longest war of our history.

I will support the amendment by the gentlemen from Michigan (Mr. NEDZI) and Ohio (Mr. WHALEN) which would prohibit the expenditure of new funds, after January 1, 1972, to support U.S. military deployment or military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos. For years, while 50,000 Americans died in Indochina, we have been preparing the South Vietnamese to defend themselves. This amendment will force that Government to make the necessary reforms and effort to stand on its own two feet. Our complete withdrawal, while ending the dislocation of our domestic economy and the dissent which has torn the very fiber of our country, will not appreciably affect the fighting strength of the South Vietnamese, since the administration has already indicated the end of our active field operations by this fall. The amendment will not weaken our negotiating position in Paris. Indeed, it should provide a breakthrough in those talks by placing the burden of reciprocal action on the North Vietnamese. The end of our involvement in that war is the only possible way that our prisoners of war will be returned to us. Only after the French withdrew from Vietnam were their prisoners released.

The amendment is worded so that if the President determines that the limitation will not permit a safe withdrawal of our men and the return of our POW's by the end of this year, he may delay the date of termination. This amendment does not prohibit the continuation of military and economic assistance to Vietnam, Laos, or Cambodia. These nations will still be able to receive material necessary to maintain operations for their self-determination.

I supported the amendment offered by the gentleman from California (Mr. LEGGETT) to provide a modest 10 percent reduction in our troop strength in Europe—unless the President reports to Congress on reasons why this cannot be done. A 10 percent reduction in our 300,000 men in Europe—with their quarter of a million dependents—will not appreciably effect our fighting strength, while it will provide an American diplo-

matic initiative for achieving a general reduction in troop strength in Europe by both the Warsaw Pact and NATO. The Soviet Union has recently indicated its willingness to discuss troop reductions throughout Europe. We must welcome this development and take action to move it from the realm of discussion to the field of action. A minor troop reduction will place the burden on the Soviets to reciprocate.

I might add the Armed Services Committee's concern over the inordinate burden of NATO defense upon the United States is a welcome concern. As the committee pointed out in its report, the defense of Europe is costing us some \$14 billion annually. I would like to enter into the Record a table prepared by the committee which shows the percentage of each NATO member's GNP devoted to defense.

DEFENSE EXPENDITURES—NATO COUNTRIES

Country	Military budget	Percent of gross national product
Belgium.....	\$721,538,000	3.0
Canada.....	1,676,000,000	2.0
Denmark.....	365,187,000	2.5
France.....	4,899,000,000	3.6
Western Germany.....	5,990,928,000	3.2
Greece.....	471,000,000	5.5
Iceland.....	(1)	—
Italy.....	2,650,841,600	3.0
Luxembourg.....	8,592,000	1.0
Netherlands.....	1,113,304,000	3.6
Norway.....	369,400,000	3.7
Portugal.....	367,117,000	6.5
Turkey.....	429,992,363	3.8
United Kingdom.....	5,471,959,200	5.0

(1) None.

At the present time our GNP devoted to defense is estimated at between 7.4 percent to 6.8 percent. In no case do any of the other NATO members spend as much on national security as we do. In most cases it is less than half our level of effort. At a time when the dollar is under heavy pressure throughout the world, particularly in Europe, we should ask our NATO partners to assume a large burden of the defense of Europe.

I also supported the amendment which sought to limit the authorization in the bill for procurement, research and development to the total authorized for these programs last fiscal year. Within this spending ceiling the Department of Defense would have been free to allocate funds to the projects it considered most important.

This amendment would have permitted an increase in these areas over last year's actual expenditures. This is true, because, while we authorized \$19.9 billion last year, we appropriated only \$18.6 billion. The amendment would have allowed a full appropriation within the authorization ceiling, which would more than make up for the decrease in purchasing power due to inflation.

This amendment was important for several reasons. For some time we expected that there would be a "peace dividend" once our involvement in Vietnam was wound down and terminated. Yet that peace dividend, so important for meeting the pressing domestic needs of the country, is being absorbed by new military hardware. And much of that

hardware is of a very questionable strategic and technical worth.

It is my hope that a spending ceiling can eliminate some of the more questionable programs. But I will also support specific efforts to eliminate funding for the more questionable weapons systems.

As an example of the type of weapons system which is totally dispensable, I would like to discuss some of the features of the B-1 manned bomber program. This weapon system, designed to replace or supplement the F-111 and B-52 fleets, is conservatively estimated to cost \$25 billion. It is probable that this figure is very low. Some estimates on the cost of developing a new manned bomber in this age of missiles place the figure at between \$50 and \$75 billion.

Do we need a new manned power? Is it a good weapons system? The bipartisan group, Members of Congress for Peace Through Law, have issued a report on the B-1 which concludes that the bomber is a virtually useless weapons system that will cost an enormous amount of money to develop. The report points out that—

The advanced capabilities of ballistics missiles, both land and sea based, raise real doubts about whether a manned bomber force will be either necessary or useful in the 1980's and beyond. Each of the several nuclear mission profiles assigned to the B-1 is open to serious question in light of one simple fact—that while the aircraft is taking four hours to fly 6,000 miles, there could be eight successive nuclear missile salvos, four on each side and each answering the one before.

In addition to the question of obsolescence, in an age of missiles, there is the question of whether we need this system in addition to our hardened land-missile system, and a mobile and nearly indestructible Polaris and Poseidon system. Further, the manned aircraft is one of the easier systems to defend against. There is a real question as to whether the planes would be able to get through to their targets. As the report of members of Congress for Peace Through Law notes—

[The B-70] aircraft was developed because we saw that the Soviet Union could deploy defenses for which the B-52 was considered to be too slow. After we initiated work on the B-70, however, they deployed large numbers of high altitude SA-2 bomber interceptor missiles with nuclear warheads. Since detection of high flying aircraft is no longer a serious problem, it appeared that the B-70 would be performing in a hostile environment indeed. As it turned out, in fact, our 225 B-52 G's and H's have been superior to the B-70, because they have been built to penetrate at low altitudes, thereby avoiding detection and interception.

But the SA-2 is far from the last word in air defenses. If such work has not already been initiated, the Soviet Union can take their cue from bomber defenses which are already in the advanced planning stages in the United States, centered around AWACS, or the airborne warning and control system, designed to detect low-flying aircraft like the B-1.

It is entirely reasonable to expect that when the B-1 enters the force in the late 1970's, a new defense capable of nullifying it will arrive at about the same time.

Since it now seems clear that the life of the B-52 can be extended through

June 17, 1971

modification and that that plane can be made more effective through the installation of "standoff" missiles, there is simply no reason to invest billions in a plane which has a questionable mission and a questionable ability to perform.

The bill before us contains a number of weapons systems whose usefulness is at least as questionable as the B-1. For this reason, I have supported amendments to cut the authorization level in the hope that a number of these projects can be deferred or canceled. I believe that we can get a better defense through a sounder use of the taxpayer's money.

Mr. BRINKLEY. Mr. Chairman, if the question were asked of the American people, "What is the work horse of the Army?" the overwhelming response would almost certainly be, "the helicopter." Because today Vietnam has made that fact plain. Equally clear is the fact that our Army without superior air mobility would lose its technical advantage to any major adversary.

This is why the Cheyenne helicopter is so important to the modern day Army and the role it must be equipped to play at home and abroad. The Cheyenne incorporates the power of a fullback with the quickness of a scabbard; the punch of a heavyweight with the mobility of a lightweight; the dexterity of a purple martin with the sting of a red wasp. Ask anyone who has flown it. He will tell you. The Cheyenne is a truly amazing machine.

I flew the rigid rotor predecessor to the Cheyenne in 1967 at Baileys Crossroads. My exhilaration in its performance on that day matches my present enthusiasm and absolute advocacy for the procurement of the Cheyenne.

Along Shirley Highway we swooped upon an imaginary tank and pulled out with breathtaking dispatch. Its effortless ease of mobility, of ascending and descending, its acceleration and deceleration gave it unsurpassed maneuverability.

How valuable is this tool? Is its price tag justified? My answer to the latter question is yes. To the former question, the essentiality of this weapon is vouched for by the Army's chief aviators and planners. I have full confidence in their judgment as well as utmost confidence in this splendid vehicle.

I trust that in the final version of this bill there will be authorization for \$13.2 million for the Cheyenne.

Mr. ANDERSON of California. Mr. Chairman, I have read your Subcommittee on Sea Power's report on the "Status of Shipyards," and I want to commend you and other members of the committee for conducting hearings in this area, and for focusing attention on the conditions in our Nation's shipyards.

The Military Procurement bill, before us now, authorizes \$3.3 billion for the construction and conversion of naval vessels.

It is my hope, Mr. Chairman, that the Department of Defense will follow the recommendations of your subcommittee, that—

The procurement should be spread among yards after a thorough examination of all problems related to the construction of the particular type ship.

Mr. ZWACH. Mr. Chairman, we have been debating this Military Procurement authorization bill for 3 days, and many of us have unsuccessfully tried to bring the funding level down. Now we are about to vote on the requested authorization which is \$3.3 billion more than last year's appropriation. With the large reductions in our military force and with the closing of bases throughout the world, we should be in the position to make substantial cuts this year. Instead, we have large increases which I cannot support.

I am also very dismayed that all of our NATO Allies spend a much smaller share of their gross national product for defense than does our country. This is a gross injustice to the already harassed American taxpayer.

Our country is asked to spend 7.4 percent of its gross production for defense. Compare that to 3 percent for Belgium; 2 percent for our neighbor, Canada; 2.5 percent for Denmark; 3.6 for France; 3.2 percent for West Germany; 3 percent for Italy; 3.6 percent for the Netherlands; and 5 percent for Great Britain. I cannot agree to putting the additional costs of defending our NATO partners on the backs of our people.

Mr. Chairman, for these reasons, I am compelled to vote against this legislation.

Mr. RANDALL. Mr. Chairman, I support H.R. 8687 on final passage as amended in Committee of the Whole.

Before commenting on its provision, I wish to compliment our new chairman of the House Armed Services Committee who managed the bill on the floor. It was most refreshing and encouraging to Members that in no single instance did he move to limit or restrict debate at any point during the discussion of the bill. He made such a promise when we commenced the bill and he kept his promise. Moreover, during all committee consideration of the bill, all Members will agree he conducted the hearings fairly. Members were not recognized on the basis of their seniority but rather in the order of their arrival in the committee room. Regardless of seniority, everyone on the committee had an opportunity to be heard. The record will show that nearly every member of the committee made some contribution to this procurement bill. Members were diligent in their attendance, probing in their questions, and exercised independence in their judgment.

I support H.R. 8687, not because I am a member of the committee but because it is necessary to our basic defense needs. The fundamental purpose of this bill is to provide for the future security of the United States. It is not for financing involvement in Vietnam. We must never lose sight of the fact in this bill we are talking about deterrents against aggression of the United States itself. And, moreover, we are talking about deterrence against aggression in the future, meaning in the late 1970's and 1980's.

Repeating, what this bill is all about is future preparedness of our country and America's ability to defend itself as much as a decade from now. The assistance provided for in this bill will start us on the path for an adequate national defense many years from now.

I refer to such weapons as the Safeguard system, the B-1, SAM-D, the ULMS, AWACS, the F-15 and others.

Your committee has worked diligently to make significant reductions under the budget request. We cut \$60 million from the Army's main battle tank. We eliminated \$24.4 million from the Navy's request for transport aircraft for fleet logistic support—\$13 million was deleted from the Cheyenne helicopter program, \$12 million from the Navy's torpedo authorization. The largest single item of deletion was \$860,000,000 for procurement of F-14 aircraft for the Navy. This was made without prejudice against the ultimate decision to go ahead with the aircraft. The authorization may be restored if the Navy can produce a strong justification for the aircraft.

Of course, there were some additions, particularly for the F-111 which is our only interim bomber and our only present capability until the B-1 comes into inventory. Repeating, the F-111 is all we have between the expiration of our aging B-52's and our new B-1 which is many years down the road.

We all realize that defense is expensive. But we should all recognize that a desirable defensive system if it is of any value must be ready by the time a threat becomes a reality. There is quite a substantial difference between a potential but nonexistent threat, and a visibly developing threat. That is why it is so very important to keep in mind the factor of long leadtime in any complicated weapons system. You can stop the development of a weapon system any time. But if you find you need it and do not have it, there is no way to buy the time that is lost.

Because of the unpopularity of the Vietnam involvement there is a tendency of many today toward becoming anti-military. That is due to our involvement in the most uncertain war in our history which has been a terrible experience for all of us. This has led to confusion in the minds of our people, between our involvement in this particular war and our basic defense needs.

It would be easy to vote against defense programs. It would be the popular thing to do because public opinion is running high against all things having any relationship to the military. One could score some points with his constituents by voting against this bill. A vote for this bill will not only take hard judgment but also some courage when the time comes to have to explain the exercise of that judgment to the people. In other words, it may take guts to vote for this bill while an unpopular war is fresh in the minds of our people. But it is my conviction that providing for our national security rather than yielding to current changes of public opinion is the right decision.

Overall, H.R. 8687 deserves the support of every Member of the House. As we come to the end of debate, I clearly recall the thoughts of our late chairman of the Committee on Armed Services, who expressed about the same thought on defense posture and national security as our former Speaker, John McCormack. Both said in different words that, if ever a Member errs in his judgment, let us

June 17, 1971

hope it will always be in favor of a strong defense posture. Put differently, what both of these distinguished gentlemen who are no longer with us meant is that it is much wiser to maintain a strong defense posture with weapon systems that are ready when we need them than to find we need them and not have them.

Mr. HÉBERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall not detain the House any longer—it is quite late—but I certainly would consider myself remiss if I did not take a few moments at this time to extend to you personally and on behalf of the Committee on Armed Services appreciation for the splendid manner, judgment, and patience which you have used in the chair during the last three trying days.

Mr. Chairman, I have not finished. I certainly want to express my very deep personal appreciation to LES ARENDS, the ranking minority member of the committee, and all members on the minority side as well as those on the majority side.

Ladies and gentlemen, I have been in this Congress for 31 years, and I do not think I have ever seen a bill conducted with such harmony and good spirits and good grace as we have this bill. It has been a pleasure, and certainly the committee and the staff are appreciative. The staff, consisting of Mr. Blandford, Mr. Slatinshek, Mr. Shumate, Mr. Ford, Mr. Cook, Mr. Morgan, Mr. Norris, Mr. Reddan, and every one of them right on down the line, have made it possible for us to come to the floor with the intelligence which we demonstrated and which you think we might have but which we certainly would not have without their arrangement of the music.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I am glad to yield to my friend.

Mr. ARENDS. As my good friend, Dewey Short, used to say, "Mr. Chairman, it is a pleasure to do business with you."

Mr. HÉBERT. I thank the gentleman and congratulate all of the gentlemen on your patience for waiting so long. I tried my best to get you out of here as soon as possible.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, pursuant to House Resolution 470, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. O'KONSKI

Mr. O'KONSKI. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. O'KONSKI. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. O'KONSKI moves to recommit the bill H.R. 8687 to the Committee on Armed Services.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. HÉBERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 332, nays 58, answered "present" 1, not voting 42, as follows:

[Roll No. 146]

YEAS—332

Abbott	Burleson, Mo.	Eshleman
Abernethy	Byrne, Pa.	Evans, Cal.
Adams	Byrnes, Wis.	Evins, Tenn.
Addabbo	Byron	Fascell
Alexander	Cabell	Findley
Anderson	Caffery	Fish
Calif.	Camp	Fisher
Anderson, Ill.	Carney	Flood
Anderson	Carter	Flowers
Tenn.	Casey, Tex.	Flynt
Andrews, Ala.	Cederberg	Foley
Andrews	Celler	Ford, Gerald R.
N. Dak.	Chamberlain	Fountain
Annunzio	Chappell	Frelinghuysen
Archer	Clancy	Fulton, Pa.
Arends	Clark	Fulton, Tenn.
Ashbrook	Clausen	Gallagher
Ashley	Don H.	Gallagher
Aspin	Clawson, Del.	Garmatz
Aspinall	Cleveland	Gaydos
Baker	Collier	Gettys
Baring	Collins, Tex.	Glaimo
Begich	Colmer	Goldwater
Belcher	Conable	Gonzalez
Bell	Conte	Goodling
Bennett	Cotter	Gray
Bergland	Coughlin	Griffin
Betts	Crane	Gross
Bevill	Culver	Grover
Biaggi	Daniel, Va.	Gubser
Blester	Daniels, N.J.	Hagan
Blackburn	Danielson	Haley
Blanton	Davis, Ga.	Hall
Blatnik	Davis, S.C.	Hamilton
Boggs	Davis, Wis.	Hammer
Boland	de la Garza	schmidt
Bow	Delaney	Hanley
Brademas	Dennis	Hansen, Idaho
Bray	Derwinski	Hansen, Wash.
Brinkley	Devine	Harsha
Brooks	Dickinson	Harvey
Broomfield	Dingell	Hastings
Brotzman	Dorn	Hathaway
Brown, Mich.	Downing	Hays
Brown, Ohio	Dulski	Hébert
Broyhill, N.C.	Duncan	Henderson
Buchanan	du Pont	Hicks, Miss.
Burke, Fla.	Dwyer	Hicks, Wash.
Burke, Mass.	Edmondson	Hillis
Burleson, Tex.	Edwards, Ala.	Hogan

Hollifield	Miller, Ohio	Sebelius
Horton	Millis, Ark.	Shipley
Hosmer	Millis, Md.	Shriver
Howard	Minish	Sikes
Hull	Mink	Sisk
Hungate	Minshall	Skubitz
Hunt	Mizell	Slack
Hutchinson	Mollohan	Smith, Calif.
Ichord	Monagan	Smith, Iowa
Jacobs	Montgomery	Smith, N.Y.
Jarman	Moorhead	Snyder
Johanson, Calif.	Morgan	Spence
Johnson, Pa.	Murphy, Ill.	Springer
Jonas	Myers	Stafford
Jones, Ala.	Natcher	Staggers
Jones, N.C.	Nelsen	Stanton
Jones, Tenn.	Nichols	J. William
Kartha	O'Neill	Stanton
Kazen	Passman	James V.
Keating	Patman	Steed
Kee	Patten	Steele
Keith	Pepper	Steiger, Ariz.
Kemp	Perkins	Steiger, Wis.
King	Pettis	Stephens
Kluczynski	Peyser	Stratton
Kuykendall	Pickle	Stubblefield
Kyl	Pirnie	Sullivan
Kyros	Poage	Symington
Landgrebe	Poff	Talcott
Landrum	Powell	Taylor
Latta	Preyer, N.C.	Teague, Calif.
Leggett	Price, Ill.	Teague, Tex.
Lennon	Price, Tex.	Thompson, Ga.
Lent	Pryor, Ark.	Thomson, Wis.
Lloyd	Pucinski	Thone
Long, Md.	Purcell	Tiernan
Lujan	Quie	Udall
McClary	Quillen	Ullman
McCloskey	Randall	Van Deeren
McClure	Rarick	Vigorito
McCollister	Reid, Ill.	Waggonner
McCormack	Rhodes	Wampler
McDade	Roberts	Ware
McDonald	Robinson, Va.	Watts
Mich.	Robison, N.Y.	Whalley
McFall	Rodino	White
McKay	Roe	Whitehurst
McKevitt	Rogers	Whitten
McKinney	Rooney, N.Y.	Widnall
McMillan	Rooney, Pa.	Wiggins
Macdonald	Rostenkowski	Williams
Mass.	Roush	Willson, Bob
Madden	Rousselot	Winn
Mahon	Roy	Wright
Malliard	Ruth	Wylder
Mann	St Germain	Wylie
Martin	Sandinian	Wyman
Mathis, Ga.	Satterfield	Yatron
Matsunaga	Saylor	Young, Fla.
Mayne	Scherie	Young, Tex.
Mazzoli	Schmitz	Zablocki
Meeds	Schneebeli	Zion
Melcher	Schwengel	
Miller, Calif.	Scott	

NAYS—58

Abourezk	Forsythe	Reid, N.Y.
Abzug	Fraser	Reuss
Badillo	Green, Pa.	Roncalio
Barrett	Gude	Rosenthal
Bingham	Halpern	Roybal
Bolling	Harrington	Ryan
Brasco	Hechler, W. Va.	Sarbanes
Burton	Kastenmeier	Scheuer
Chisholm	Koch	Seiberling
Collins, Ill.	Link	Stokes
Conyers	Mikva	Thompson, N.J.
Dellenback	Mitchell	Vanik
Dellums	Mosher	Waldie
Denholm	Nedzi	Whalen
Dow	Nix	Wolf
Drinan	Obey	Yates
Eckhardt	O'Konski	Zwach
Edwards, Calif.	Pike	
Ellberg	Podell	
Ford	Rangel	
William D.	Rees	

ANSWERED "PRESENT"—1

NOT VOTING—42

Broyhill, Va.	Grasso	Murphy, N.Y.
Carey, N.Y.	Green, Ore.	O'Hara
Clay	Griffiths	Pelly
Corman	Hanna	Railsback
Dent	Hawkins	Runnels
Diggs	Heckler, Mass.	Ruppe
Donohue	Helstoski	Shoup
Dowdy	Long, La.	Stuckey
Edwards, La.	McCulloch	Terry
Erlenborn	McEwen	Vander Jagt
Esch	Mathias, Calif.	Veysey
Frenzel	Metcalfe	Wilson
Frey	Michel	Charles H.
Fuqua	Morse	Wyatt
Gibbons	Moss	

June 17, 1971

CONGRESSIONAL RECORD — HOUSE

H 5415

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Dent for, with Mr. Carey of New York against.

Mr. Fuqua for, with Mr. O'Hara against.
Mr. Charles H. Wilson for, with Mr. Helstoski against.

Mrs. Green of Oregon for, with Mr. Clay against.

Mrs. Grasso for, with Mr. Metcalfe against.
Mr. Donohue for, with Mr. Hawkins against.

Mr. Shoup for, with Mr. Diggs against.
Mr. Stuckey for, with Mr. Morse against.

Until further notice:

Mr. Hanna with Mr. Pelly.
Mr. Corman with Mr. Erlenborn.
Mr. Moss with Mr. Wyatt.
Mr. Murphy of New York with Mrs. Heckler of Massachusetts.

Mrs. Griffiths with Mr. Vander Jagt.
Mr. Runnels with Mr. Ruppe.
Mr. Long of Louisiana with Mr. Broyhill of Virginia.

Mr. Michael with Mr. Mathias of California.
Mr. Edwards of Louisiana, with Mr. Veysey.
Mr. Gibbons with Mr. Frey.
Mr. McEwen with Mr. Railsback.
Mr. Frenzel with Mr. Terry.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent that all Members may be allowed 5 legislative days in which to revise and extend their remarks on the bill just passed and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

CORRECTION OF VOTE

Mr. SIKES. Mr. Speaker, on rollcall No. 146, this vote, I am recorded as not voting. I was present and voted "yea." I ask unanimous consent that the permanent Record be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

CORRECTION OF VOTE

Mr. THOMPSON of Georgia. Mr. Speaker, on rollcall No. 143, earlier this week, I am recorded as not voting. I was present and answered "present." I ask unanimous consent that the permanent Record and Journal be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

PERSONAL STATEMENT

Mr. FOLEY. Mr. Speaker, on Tuesday, June 15, on rollcall No. 134, I was absent. Had I been present, I would have voted "yea."

Mr. Speaker, on Wednesday, June 16, on rollcall No. 137 I was absent. Had I been present, I would have voted "nay."

Mr. Speaker, today, on rollcall No. 141, I was absent. Had I been present, I would have voted "nay."

ELECTION TO COMMITTEE

Mr. ULLMAN. Mr. Speaker, I offer a privileged resolution (House Resolution 484) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 484

Resolved, That Edith Green, of Oregon, be, and she is hereby, elected to the standing committee of the House of Representatives on the District of Columbia.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NARCOTICS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-131)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Congress of the United States:

In New York City more people between the ages of fifteen and thirty-five years die as a result of narcotics than from any other single cause.

In 1960, less than 200 narcotics deaths were recorded in New York City. In 1970, the figure had risen to over 1,000. These statistics do not reflect a problem indigenous to New York City. Although New York is the one major city in the Nation which has kept good statistics on drug addiction, the problem is national and international. We are moving to deal with it on both levels.

As part of this administration's ongoing efforts to stem the tide of drug abuse which has swept America in the last decade, we submitted legislation in July of 1969 for a comprehensive reform of Federal drug enforcement laws. Fifteen months later, in October, 1970, the Congress passed this vitally-needed legislation, and it is now producing excellent results. Nevertheless, in the fifteen months between the submission of that legislation and its passage, much valuable time was lost.

We must now candidly recognize that the deliberate procedures embodied in present efforts to control drug abuse are not sufficient in themselves. The problem has assumed the dimensions of a national emergency. I intend to take every step necessary to deal with this emergency, including asking the Congress for an amendment to my 1972 budget to provide an additional \$155 million to carry out these steps. This will provide a total of \$371 million for programs to control drug abuse in America.

A NEW APPROACH TO REHABILITATION

While experience thus far indicates that the enforcement provisions of the Comprehensive Drug Abuse Prevention and Control Act of 1970 are effective, they are not sufficient in themselves to eliminate drug abuse. Enforcement must be coupled with a rational approach to

the reclamation of the drug user himself. The laws of supply and demand function in the illegal drug business as in any other. We are taking steps under the Comprehensive Drug Act to deal with the supply side of the equation and I am recommending additional steps to be taken now. But we must also deal with demand. We must rehabilitate the drug user if we are to eliminate drug abuse and all the anti-social activities that flow from drug abuse.

Narcotic addiction is a major contributor to crime. The cost of supplying a narcotic habit can run from \$30 a day to \$100 a day. This is \$210 to \$700 a week, or \$10,000 a year to over \$36,000 a year. Untreated narcotic addicts do not ordinarily hold jobs. Instead, they often turn to shoplifting, mugging, burglary, armed robbery, and so on. They also support themselves by starting other people—young people—on drugs. The financial costs of addiction are more than \$2 billion every year, but these costs can at least be measured. The human costs cannot. American society should not be required to bear either cost.

Despite the fact that drug addiction destroys lives, destroys families, and destroys communities, we are still moving fast enough to meet the problem in an effective way. Our efforts are strained through the Federal bureaucracy. Of those we can reach at all under the present Federal system—and the number is relatively small—of those we try to help and who want help, we can cure only a tragically small percentage.

Despite the magnitude of the problem, despite our very limited success in meeting it, and despite the common recognition of both circumstances, we nevertheless have thus far failed to develop a concerted effort to find a better solution to this increasingly grave threat. At present, there are nine Federal agencies involved in one fashion or another with the problem of drug addiction. There are anti-drug abuse efforts in Federal programs ranging from vocational rehabilitation to highway safety. In this manner our efforts have been fragmented through competing priorities, lack of communication, multiple authority, and limited and dispersed resources. The magnitude and the severity of the present threat will no longer permit this piecemeal and bureaucratically-dispersed effort at drug control. If we cannot destroy the drug menace in America, then it will surely in time destroy us. I am not prepared to accept this alternative.

Therefore, I am transmitting legislation to the Congress to consolidate at the highest level a full-scale attack on the problem of drug abuse in America. I am proposing the appropriation of additional funds to meet the cost of rehabilitating drug users, and I will ask for additional funds to increase our enforcement efforts to further tighten the noose around the necks of drug peddlers, and thereby loosen the noose around the necks of drug users.

At the same time I am proposing additional steps to strike at the "supply" side of the drug equation—to halt the drug traffic by striking at the illegal producers of drugs, the growing of those plants from which drugs are derived, and trafficking in these drugs beyond our borders.

America has the largest number of heroin addicts of any nation in the world. And yet, America does not grow opium—of which heroin is a derivative—nor does it manufacture heroin, which is a laboratory process carried out abroad. This deadly poison in the American life-stream is, in other words, a foreign import. In the last year, heroin seizures by Federal agencies surpassed the total seized in the previous ten years. Nevertheless, it is estimated that we are stopping less than 20 percent of the drugs aimed at this Nation. No serious attack on our national drug problem can ignore the international implications of such an effort, nor can the domestic effort succeed without attacking the problem on an international plane. I intend to do that.

A COORDINATED FEDERAL RESPONSE

Not very long ago, it was possible for Americans to persuade themselves, with some justification, that narcotic addiction was a class problem. Whether or not this was an accurate picture is irrelevant today, because now the problem is universal. But despite the increasing dimensions of the problem, and despite increasing consciousness of the problem, we have made little headway in understanding what is involved in drug abuse or how to deal with it.

The very nature of the drug abuse problem has meant that its extent and seriousness have been shrouded in secrecy, not only by the criminal elements who profit from drug use, but by the drug users themselves—the people whom society is attempting to reach and help. This fact has added immeasurably to the difficulties of medical assistance, rehabilitation, and government action to counter drug abuse, and to find basic and permanent methods to stop it. Even now, there are no precise national statistics as to the number of drug-dependent citizens in the United States, the rate at which drug abuse is increasing, or where and how this increase is taking place. Most of what we think we know is extrapolated from those few States and cities where the dimensions of the problem have forced closer attention, including the maintenance of statistics.

A large number of Federal Government agencies are involved in efforts to fight the drug problem either with new programs or by expanding existing programs. Many of these programs are still experimental in nature. This is appropriate. The problems of drug abuse must be faced on many fronts at the same time, and we do not yet know which efforts will be most successful. But we must recognize that piecemeal efforts, even where individually successful, cannot have a major impact on the drug abuse problem unless and until they are forged together into a broader and more integrated program involving all levels of government and private effort. We need a coordinated effort if we are to move effectively against drug abuse.

The magnitude of the problem, the national and international implications of the problem, and the limited capacities of States and cities to deal with the problem all reinforce the conclusion that coordination of this effort must take

place at the highest levels of the Federal Government.

Therefore, I propose the establishment of a central authority with overall responsibility for all major Federal drug abuse prevention, education, treatment, rehabilitation, training, and research programs in all Federal agencies. This authority would be known as the Special Action Office of Drug Abuse Prevention. It would be located within the Executive Office of the President and would be headed by a Director accountable to the President. Because this is an emergency response to a national problem which we intend to bring under control, the Office would be established to operate only for a period of three years from its date of enactment, and the President would have the option of extending its life for an additional two years if desirable.

This Office would provide strengthened Federal leadership in finding solutions to drug abuse problems. It would establish priorities and instill a sense of urgency in Federal and federally-supported drug abuse programs, and it would increase coordination between Federal, State, and local rehabilitation efforts.

More specifically, the Special Action Office would develop overall Federal strategy for drug abuse prevention programs, set program goals, objectives, and priorities, carry out programs through other Federal agencies, develop guidance and standards for operating agencies, and evaluate performance of all programs to determine where success is being achieved. It would extend its efforts into research, prevention, training, education, treatment, rehabilitation, and the development of necessary reports, statistics, and social indicators for use by all public and private groups. It would not be directly concerned with the problems of reducing drug supply, or with the law enforcement aspects of drug abuse control.

It would concentrate on the "demand" side of the drug equation—the use and the user of drugs.

The program authority of the Director would be exercised through working agreements with other Federal agencies. In this fashion, full advantage would be taken of the skills and resources these agencies can bring to bear on solving drug abuse problems by linking them with a highly goal-oriented authority capable of functioning across departmental lines. By eliminating bureaucratic redtape, and jurisdictional disputes between agencies, the Special Action Office would do what cannot be done presently: it would mount a wholly coordinated national attack on a national problem. It would use all available resources of the Federal Government to identify the problems precisely, and it would allocate resources to attack those problems. In practice, implementing departments and agencies would be bound to meet specific terms and standards for performance. These terms and standards would be set forth under inter-agency agreement through a Program Plan defining objectives, costs, schedule, performance requirements, technical limits, and other factors essential to program success.

With the authority of the Program Plan, the Director of the Special Action Office could demand performance in lieu of hoping for it. Agencies would receive money based on performance and the retention of funding and program authority would depend upon periodic appraisal of their performance.

In order to meet the need for realistic central program appraisal, the Office would develop special program monitoring and evaluation capabilities so that it could realistically determine which activities and techniques were producing results. This evaluation would be tied to the planning process so that knowledge about success/failure results could guide the selection of future plans and priorities.

In addition to the inter-agency agreement and Program Plan approach described above, the Office would have direct authority to let grants or make contracts with industrial, commercial, or non-profit organizations. This authority would be used in specific instances where there is no appropriate Federal agency prepared to undertake a program, or where for some other reason it would be faster, cheaper, or more effective to grant or contract directly.

Within the broad mission of the Special Action Office, the Director would set specific objectives for accomplishment during the first three years of Office activity. These objectives would target such areas as reduction in the overall national rate of drug addiction, reduction in drug-related deaths, reduction of drug use in schools, impact on the number of men rejected for military duty because of drug abuse, and so forth. A primary objective of the Office would be the development of a reliable set of social indicators which accurately show the nature, extent, and trends in the drug abuse problem.

These specific targets for accomplishment would act to focus the efforts of the drug abuse prevention program, not on intermediate achievements such as numbers of treatments given or educational programs conducted, but rather on ultimate "payoff" accomplishments in the reduction of the human and social costs of drug abuse. Our programs cannot be judged on the fulfillment of quotas and other bureaucratic indexes of accomplishment. They must be judged by the number of human beings who are brought out of the hell of addiction, and by the number of human beings who are dissuaded from entering that hell.

I urge the Congress to give this proposal the highest priority, and I trust it will do so. Nevertheless, due to the need for immediate action, I am issuing today, June 17, an Executive Order establishing within the Executive Office of the President a Special Action Office for Drug Abuse Prevention. Until the Congress passes the legislation giving full authority to this Office, a Special Consultant to the President for Narcotics and Dangerous Drugs will institute to the extent legally possible the functions of the Special Action Office.

REHABILITATION: A NEW PRIORITY

When traffic in narcotics is no longer profitable, then that traffic will cease. Increased enforcement and vigorous ap-

7 June 1971

Dear Mr. Chairman:

I am aware that you have heard considerable testimony on the Ervin bill. Chairman Hampton of the Civil Service Commission testified in some detail on this bill with reference to the Government in general and its effect on management and personnel. Consequently, I will not discuss these aspects except to say that I thoroughly endorse his views.

I would like to discuss the Ervin bill in relationship to the Agency. To put things in perspective, I would like to indicate that the Congress in establishing CIA and granting it various authorities has recognized the role of the Director of Central Intelligence as the principal intelligence advisor to the President. Consequently, the law grants numerous exemptions to the Agency to protect the security of its personnel and its functions. Additionally, the statute places on me, personally, the responsibility to protect intelligence sources and methods from unauthorized disclosure.

Over the years in attempting to fulfill our statutory responsibilities, we have devised personnel and security procedures which, in many respects, are unique to this Agency. These procedures are designed

not only to protect national security but also the rights and privacy of our employees.

The heart of the matter is to make sure that we do not hire someone who either is already an agent of a foreign power or may be susceptible to recruitment; and that we do not have someone in our ranks who is vulnerable to recruitment. The Ervin bill would seriously hinder our efforts to identify such individuals. It would also require, under its adversary procedures, the disclosure of information which the law obligates me to protect.

The Ervin bill contains inhibitions on use of the polygraph and this is one of our major concerns. Over the years we have found that the polygraph is an invaluable aid in the investigation of personnel, and Colonel White will explain our procedures on the use of the polygraph in greater detail.

Our second and third major concerns with the Ervin bill involve the ability of an employee or an applicant to initiate an adversary proceeding at his choice either in an independent Board of Appeals or in Federal District Court. There are a number of prohibitions in the Ervin bill with which we would have no quarrel as such. These include such objectives as freedom of an employee from coercion to buy savings bonds or to make contributions to charity or political causes.

These prohibitions create a problem in permitting either an employee or an applicant to raise a grievance either in a Federal District Court or the Board of Appeals which causes us grave concern. Experience over the years with adversary proceedings by this Agency demonstrates that we face a basic dilemma. In most cases, in order to establish fully the facts of the case we would necessarily have to put into evidence classified information. Not to produce such information is to leave unchallenged the employee's or applicant's charge and to expose the alleged offending officer to the penalties in the bill.

Colonel White will detail for you our procedures for recruitment, employment, and our methods of treating with personnel security throughout an employee's career. Because of their special responsibilities, we feel we must require more detailed information about our employees than would be required by most Government agencies. On the other hand, I can state with confidence that the men and women who work for CIA accept the need for these special procedures, recognizing that they operate for the protection not only of the Government but also of the individual.

Next 1 Page(s) In Document Exempt

Material JMM took with him in briefing of
Udall on Ervin bill.

92^d CONGRESS
1ST SESSION

H. R. 7199

IN THE HOUSE OF REPRESENTATIVES

APRIL 5, 1971

Mr. CHARLES H. WILSON introduced the following bill; which was referred to the Committee on Post Office and Civil Service

A BILL

To protect the civilian employees of the executive branch of the United States Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. It shall be unlawful for any officer of any
4 executive department or any executive agency of the United
5 States Government, or for any person acting or purporting
6 to act under his authority, to do any of the following things:

7 (a) To require or request, or to attempt to require or
8 request, any civilian employee of the United States serving
9 in the department or agency, or any person seeking employ-

I

1 ment in the executive branch of the United States Govern-
2 ment, to disclose his race, religion, or national origin, or
3 the race, religion, or national origin of any of his fore-
4 bears: *Provided, however,* That nothing contained in this
5 subsection shall be construed to prohibit inquiry concerning
6 the citizenship of any such employee or person if his citizen-
7 ship is a statutory condition of his obtaining or retaining his
8 employment: *Provided further,* That nothing contained in
9 this subsection shall be construed to prohibit inquiry concern-
10 ing the national origin or citizenship of any such employee or
11 person or of his forebears, when such inquiry is deemed
12 necessary or advisable to determine suitability for assignment
13 to activities or undertakings related to the national security
14 within the United States or to activities or undertakings of
15 any nature outside the United States.

16 (b) To state or intimate, or to attempt to state or inti-
17 mate, to any civilian employee of the United States serving
18 in the department or agency that any notice will be taken of
19 his attendance or lack of attendance at any assemblage, dis-
20 cussion, or lecture held or called by any officer of the execu-
21 tive branch of the United States Government, or by any per-
22 son acting or purporting to act under his authority, or by any
23 outside parties or organizations to advise, instruct, or in-
24 doctrinate any civilian employee of the United States serving
25 in the department or agency in respect to any matter or

1 subject other than the performance of official duties to which
2 he is or may be assigned in the department or agency, or
3 the development of skills, knowledge, or abilities which
4 qualify him for the performance of such duties: *Provided,*
5 *however,* That nothing contained in this subsection shall be
6 construed to prohibit taking notice of the participation of a
7 civilian employee in the activities of any professional group
8 or association.

9 (c) To acquire or request, or to attempt to require or
10 request, any civilian employee of the United States serving
11 in the department or agency to participate in any way in
12 any activities or undertakings unless such activities or under-
13 takings are related to the performance of official duties to
14 which he is or may be assigned in the department or agency,
15 or to the development of skills, knowledge, or abilities which
16 qualify him for the performance of such duties.

17 (d) To require or request, or to attempt to require
18 or request, any civilian employee of the United States serv-
19 ing in the department or agency to make any report con-
20 cerning any of his activities or misundertakings unless such
21 activities or undertakings are related to the performance of
22 official duties to which he is or may be assigned in the
23 department or agency, or to the development of skills, knowl-
24 edge, or abilities which qualify him for the performance of
25 such duties, or unless there is reason to believe that the

1 civilian employee is engaged in outside activities or employ-
2 ment in conflict with his official duties.

3 (c) To require or request, or to attempt to require or
4 request, any civilian employee of the United States serving
5 in the department or agency, or any person applying for
6 employment as a civilian employee in the executive branch
7 of the United States Government, to submit to any interroga-
8 tion or examination or to take any psychological test which
9 is designed to elicit from him information concerning his
10 personal relationship with any person connected with him
11 by blood or marriage, or concerning his religious belief or
12 practices, or concerning his attitude or conduct with respect
13 to sexual matters: *Provided, however, That nothing con-*
14 *tained in this subsection shall be construed to prevent*
15 *a physician from eliciting such information or authorizing*
16 *such tests in the diagnosis or treatment of any civilian*
17 *employee or applicant where such physician deems such*
18 *information necessary to enable him to determine whether*
19 *or not such individual is suffering from mental illness: Pro-*
20 *vided further, however, That this determination shall be made*
21 *in individual cases and not pursuant to general practice or*
22 *regulation governing the examination of employees or appli-*
23 *cants according to grade, agency, or duties: Provided further,*
24 *however, That nothing contained in this subsection shall be*
25 *construed to prohibit an officer of the department or agency*

1 from advising any civilian employee or applicant of a specific
2 charge of sexual misconduct made against that person, and
3 affording him an opportunity to refute the charge.

4 (f) To require or request, or attempt to require or
5 request, any civilian employee of the United States serving
6 in the department or agency, or any person applying for
7 employment as a civilian employee in the executive branch
8 of the United States Government, to take any polygraph
9 test designed to elicit from him information concerning his
10 personal relationship with any person connected with him
11 by blood or marriage, or concerning his religious beliefs or
12 practices, or concerning his attitude or conduct with respect
13 to sexual matters.

14 (g) To require or request, or to attempt to require
15 or request, any civilian employee of the United States serving
16 in the department or agency to support by personal endeavor
17 or contribution of money or any other thing of value the
18 nomination or the election of any person or group of persons
19 to public office in the Government of the United States or of
20 any State, district, Commonwealth, territory, or possession
21 of the United States, or to attend any meeting held to pro-
22 mote or support the activities or undertakings of any political
23 party of the United States or of any State, district, Common-
24 wealth, territory, or possession of the United States.

25 (h) To coerce or attempt to coerce any civilian

1 employee of the United States serving in the department or
2 agency to invest his earnings in bonds or other obligations
3 or securities issued by the United States or any of its depart-
4 ments or agencies, or to make donations to any institution
5 or cause of any kind: *Provided, however,* That nothing con-
6 tained in this subsection shall be construed to prohibit any
7 officer of any executive department or any executive agency
8 of the United States Government, or any person acting or
9 purporting to act under his authority, from calling meetings
10 and taking any action appropriate to afford any civilian em-
11 ployee of the United States the opportunity voluntarily to
12 invest his earnings in bonds or other obligations or securities
13 issued by the United States or any of its departments or
14 agencies, or voluntarily to make donations to any institution
15 or cause.

16 (i) To require or request, or to attempt to require
17 or request, any civilian employee of the United States
18 serving in the department or agency to disclose any items
19 of his property, income, or other assets, source of income,
20 or liabilities, or his personal or domestic expenditures or
21 those of any member of his family or household: *Provided,*
22 *however,* That this subsection shall not apply to any civilian
23 employee who has authority to make any final determination
24 with respect to the tax or other liability of any person, cor-
25 poration, or other legal entity to the United States, or

1 claims which require expenditure of moneys of the United
2 States: *Provided further, however,* That nothing contained
3 in this subsection shall prohibit the Department of the
4 Treasury or any other executive department or agency of
5 the United States Government from requiring any civilian
6 employee of the United States to make such reports as may
7 be necessary or appropriate for the determination of his
8 liability for taxes, tariffs, custom duties, or other obliga-
9 tions imposed by law.

10 (j) To require or request, or to attempt to require
11 or request, any civilian employee of the United States
12 embraced within the terms of the proviso in subsection
13 (i) to disclose any items of his property, income, or
14 other assets, source of income, or liabilities; or his personal
15 or domestic expenditures or those of any member of his
16 family or household other than specific items tending to
17 indicate a conflict of interest in respect to the perform-
18 ance of any of the official duties to which he is or may be
19 assigned.

20 (k) To require or request, or to attempt to require or
21 request, any civilian employee of the United States serving
22 in the department or agency, who is under investigation for
23 misconduct, to submit to interrogation which could lead to
24 disciplinary action without the presence of counsel or other
25 person of his choice, if he so requests: *Provided, however,*

1 That a civilian employee of the United States serving in the
2 Central Intelligence Agency or the National Security Agency
3 or the Federal Bureau of Investigation may be accompanied
4 only by a person of his choice who serves in the agency in
5 which the employee serves, or by counsel who has been
6 approved by the agency for access to the information
7 involved.

8 (1) To discharge, discipline, demote, deny promotion
9 to, relocate, reassign, or otherwise discriminate in regard to
10 any term or condition of employment of, any civilian em-
11 ployee of the United States serving in the department or
12 agency, or to threaten to commit any of such acts, by reason
13 of the refusal or failure of such employee to submit to or
14 comply with any requirement, request, or action made un-
15 lawful by this Act, or by reason of the exercise by such
16 civilian employee of any right granted or secured by this
17 Act.

18 SEC. 2. It shall be unlawful for any officer of the United
19 States Civil Service Commission, or for any person acting
20 or purporting to act under his authority, to do any of the
21 following things:

22 (a) To require or request, or to attempt to require or
23 request, any executive department or any executive agency
24 of the United States Government, or any officer or employee

1 serving in such department or agency, to violate any of the
2 provisions of section 1 of this Act.

3 (b) To require or request, or to attempt to require or
4 request, any person seeking to establish civil service status
5 or eligibility for employment in the executive branch of the
6 United States Government, or any person applying for em-
7 ployment in the executive branch of the United States Gov-
8 ernment, or any civilian employee of the United States
9 serving in any department or agency of the United States
10 Government, to submit to any interrogation or examination
11 or to take any psychological test which is designed to elicit
12 from him information concerning his personal relationship
13 with any person connected with him by blood or marriage,
14 or concerning his religious beliefs or practices, or concerning
15 his attitude or conduct with respect to sexual matters: *Pro-*
16 *vided, however,* That nothing contained in this subsection
17 shall be construed to prevent a physician from eliciting such
18 information or authorizing such tests in the diagnosis or
19 treatment of any civilian employee or applicant where such
20 physician deems such information necessary to enable him
21 to determine whether or not such individual is suffering
22 from mental illness: *Provided further, however,* That this
23 determination shall be made in individual cases and not pur-
24 suant to general practice or regulation governing the exami-

II.R. 7199—2

1 nation of employees or applicants according to grade, agency,
2 or duties: *Provided further, however,* That nothing contained
3 in this subsection shall be construed to prohibit an officer of
4 the Civil Service Commission from advising any civilian
5 employee or applicant of a specific charge of sexual miscon-
6 duct made against that person, and affording him an oppor-
7 tunity to refute the charge.

8 (c) To require or request, or to attempt to require
9 or request, any person seeking to establish civil service
10 status or eligibility for employment in the executive branch
11 of the United States Government, or any person applying
12 for employment in the executive branch of the United States
13 Government, or any civilian employee of the United States
14 serving in any department or agency of the United States
15 Government, to take any polygraph test designed to elicit
16 from him information concerning his personal relationship
17 with any person connected with him by blood or marriage,
18 or concerning his religious beliefs or practices, or concerning
19 his attitude or conduct with respect to sexual matters.

20 SEC. 3. It shall be unlawful for any commissioned officer,
21 as defined in section 101 of title 10, United States Code, or
22 any member of the Armed Forces acting or purporting to
23 act under his authority, to require or request, or to attempt
24 to require or request, any civilian employee of the executive
25 branch of the United States Government under his authority

1 or subject to his supervision to perform any of the acts or
2 submit to any of the requirements made unlawful by section
3 1 of this Act.

4 SEC. 4. Whenever any officer of any executive depart-
5 ment or any executive agency of the United States Gov-
6 ernment, or any person acting or purporting to act under his
7 authority, or any commissioned officer as defined in section
8 101 of title 10, United States Code, or any member of the
9 Armed Forces acting or purporting to act under his author-
10 ity, violates or threatens to violate any of the provisions of
11 section 1, 2, or 3 of this Act, any civilian employee of the
12 United States serving in any department or agency of the
13 United States Government, or any person applying for
14 employment in the executive branch of the United States
15 Government, or any person seeking to establish civil service
16 status or eligibility for employment in the executive branch
17 of the United States Government, affected or aggrieved by
18 the violation or threatened violation, may bring a civil action
19 in his own behalf or in behalf of himself and others
20 similarly situated, against the offending officer or person in
21 the United States district court for the district in which the
22 violation occurs or is threatened, or the district in which the
23 offending officer or person is found, or in the United States
24 District Court for the District of Columbia, to prevent
25 the threatened violation or to obtain redress against the

1 consequences of the violation. The Attorney General shall
2 defend all officers or persons sued under this section
3 who acted pursuant to an order, regulation, or directive,
4 or who, in his opinion, did not willfully violate the
5 provisions of this Act. Such United States district court
6 shall have jurisdiction to try and determine such civil action
7 irrespective of the actuality or amount of pecuniary injury
8 done or threatened, and without regard to whether the
9 aggrieved party shall have exhausted any administrative
10 remedies that may be provided by law, and to issue such
11 restraining order, interlocutory injunction, permanent in-
12 junction, or mandatory injunction, or enter such other judg-
13 ment or decree as may be necessary or appropriate to prevent
14 the threatened violation, or to afford the plaintiff and others
15 similarly situated complete relief against the consequences of
16 the violation. With the written consent of any person
17 affected or aggrieved by a violation or threatened violation
18 of section 1, 2, or 3 of this Act, any employee organization
19 may bring such action on behalf of such person, or may
20 intervene in such action. For the purposes of this section,
21 employee organizations shall be construed to include any
22 brotherhood, council, federation, organization, union, or pro-
23 fessional association made up in whole or in part of civilian
24 employees of the United States and which has as one of its
25 purposes dealing with departments, agencies, commissions,

1 and independent agencies of the United States concerning
2 the condition and terms of employment of such employees.

3 SEC. 5. (a) There is hereby established a Board on
4 Employees' Rights (hereinafter referred to as the "Board").
5 The Board shall be composed of three members, appointed
6 by the President, by and with the advice and consent of the
7 Senate. The President shall designate one member as chair-
8 man. No more than two members of the Board may be of
9 the same political party. No member of the Board shall be
10 an officer or employee of the United States Government.

11 (b) The term of office of each member of the Board
12 shall be five years, except that (1) of those members first
13 appointed, one shall serve for five years, one for three years,
14 and one for one year, respectively, from the date of enact-
15 ment of this Act, and (2) any member appointed to fill
16 a vacancy occurring prior to the expiration of the term for
17 which his predecessor was appointed shall be appointed for
18 the remainder of such term.

19 (c) Members of the Board shall be compensated at the
20 rate of \$75 a day for each day spent in the work of the
21 Board, and shall be paid actual travel expenses and per
22 diem in lieu of subsistence expenses when away from their
23 usual places of residence, as authorized by section 5703 of
24 title 5, United States Code.

1 (d) Two members shall constitute a quorum for the
2 transaction of business.

3 (e) The Board may appoint and fix the compensation
4 of such officers, attorneys, and employees, and make such
5 expenditures, as may be necessary to carry out its functions.

6 (f) The Board shall make such rules and regulations
7 as shall be necessary and proper to carry out its functions.

8 (g) The Board shall have the authority and duty to
9 receive and investigate written complaints from or on be-
10 half of any person claiming to be affected or aggrieved by
11 any violation or threatened violation of this Act and to con-
12 duct a hearing on each such complaint. Within ten days
13 after the receipt of any such complaint, the Board shall
14 furnish notice of the time, place, and nature of the hearing
15 thereon to all interested parties. The Board shall render
16 its final decision with respect to any complaint within thirty
17 days after the conclusion of its hearing thereon.

18 (h) Officers or representatives of any Federal employee
19 organization in any degree concerned with employment of
20 the category in which any alleged violation of this Act
21 occurred or is threatened shall be given an opportunity to
22 participate in each hearing conducted under this section,
23 through submission of written data, views, or arguments,
24 and in the discretion of the Board, with opportunity for oral
25 presentation. Government employees called upon by any

1 party or by any Federal employee organization to participate
2 in any phase of any administrative or judicial proceeding
3 under this section shall be free to do so without incurring
4 travel cost or suffering loss in leave or pay; and all such em-
5 ployees shall be free from restraint, coercion, interference,
6 intimidation, or reprisal in or because of their participation.
7 Any periods of time spent by Government employees during
8 such participation shall be held and considered to be Federal
9 employment for all purposes.

10 (i) Insofar as consistent with the purposes of this sec-
11 tion, the provisions of subchapter II of chapter 5 of title 5,
12 United States Code, relating to the furnishing of notice and
13 manner of conducting agency hearings, shall be applicable
14 to hearings conducted by the Board under this section.

15 (j) If the Board shall determine after hearing that a
16 violation of this Act has not occurred or is not threatened,
17 the Board shall state its determination and notify all inter-
18 ested parties of such determination. Each such determina-
19 tion shall constitute a final decision of the Board for pur-
20 poses of judicial review.

21 (k) If the Board shall determine that any violation
22 of this Act has been committed or threatened by any civil-
23 ian officer or employee of the United States, the Board shall
24 immediately (1) issue and cause to be served on such of-
25 ficer or employee an order requiring such officer or employee

1 to cease and desist from the unlawful act or practice which
2 constitutes a violation, (2) endeavor to eliminate any such
3 unlawful act or practice by informal methods of conference,
4 conciliation, and persuasion, and (3) may—

5 (A) (i) in the case of the first offense by any
6 civilian officer or employee of the United States, other
7 than any officer appointed by the President, by and with
8 the advice and consent of the Senate, issue an official
9 reprimand against such officer or employee or order the
10 suspension without pay of such officer or employee from
11 the position or office held by him for a period of not to
12 exceed fifteen days, and (ii) in the case of a second
13 or subsequent offense by any such officer or employee,
14 order the suspension without pay of such officer or em-
15 ployee from the position or office held by him for a
16 period of not to exceed thirty days or order the removal
17 of such officer or employee from such position or office;
18 and

19 (B) in the case of any offense by any officer ap-
20 pointed by the President, by and with the advice and
21 consent of the Senate, transmit a report concerning such
22 violation to the President and the Congress.

23 (1) If the Board shall determine that any violation
24 of this Act has been committed or threatened by any officer
25 of any of the Armed Forces of the United States, or any

1 person purporting to act under authority conferred by such
2 officer, the Board shall (1) submit a report thereon to the
3 President, the Congress, and the Secretary of the military
4 department concerned, (2) endeavor to eliminate any un-
5 lawful act or practice which constitutes such a violation by
6 informal methods of conference, conciliation, and persuasion,
7 and (3) refer its determination and the record in the case
8 to any person authorized to convene general courts-martial
9 under section 822 (article 22) of title 10, United States
10 Code. Thereupon such person shall take immediate steps
11 to dispose of the matter under chapter 47 of title 10, United
12 States Code (Uniform Code of Military Justice).

13 (m) Any party aggrieved by any final determination
14 or order of the Board may institute, in the district court of
15 the United States for the judicial district wherein the viola-
16 tion or threatened violation of this Act occurred, or in the
17 United States District Court for the District of Columbia,
18 a civil action for the review of such determination or order.
19 In any such action, the court shall have jurisdiction to (1)
20 affirm, modify, or set aside any determination or order made
21 by the Board which is under review, or (2) require the
22 Board to make any determination or order which it is author-
23 ized to make under subsection (k), but which it has refused
24 to make. The reviewing court shall set aside any finding,
25 conclusion, determination, or order of the Board as to which

1 complaint is made which is unsupported by substantial evi-
2 dence on the record considered as a whole.

3 (n) The Board shall submit, not later than March 31
4 of each year, to the Senate and House of Representatives,
5 respectively, a report on its activities under this section dur-
6 ing the immediately preceding calendar year, including a
7 statement concerning the nature of all complaints filed with
8 it, its determinations and orders resulting from hearings
9 thereon, and the names of all officers or employees of the
10 United States with respect to whom any penalties have been
11 imposed under this section.

12 (o) There are authorized to be appropriated sums nec-
13 essary, not in excess of \$100,000, to carry out the provisions
14 of this section.

15 SEC. 6. Nothing contained in this Act shall be construed
16 to prohibit an officer of the Central Intelligence Agency or
17 of the National Security Agency or of the Federal Bureau of
18 Investigation from requesting any civilian employee or appli-
19 cant to take a polygraph test, or to take a psychological test,
20 designed to elicit from him information concerning his per-
21 sonal relationship with any person connected with him by
22 blood or marriage, or concerning his religious beliefs or prac-
23 tices, or concerning his attitude or conduct with respect to
24 sexual matters, or to provide a personal financial statement, if
25 the Director of the Central Intelligence Agency or his desig-

1 nee or the Director of the National Security Agency or his
2 designee or the Director of the Federal Bureau of Investiga-
3 tion or his designee makes a personal finding with regard to
4 each individual to be so tested or examined that such test or
5 information is required to protect the national security.

6 SEC. 7. Nothing in this Act shall be construed to affect
7 in any way the authority of the Directors of the Central
8 Intelligence Agency or the National Security Agency or the
9 Federal Bureau of Investigation to protect or withhold infor-
10 mation pursuant to statute or executive order. The personal
11 certification by the Director of the agency that disclosure of
12 any information is inconsistent with the provision of any stat-
13 ute or executive order shall be conclusive and no such infor-
14 mation shall be admissible in evidence in any interrogation
15 under section 1 (k) or in any civil action under section 4 or
16 in any proceeding or civil action under section 5.

17 SEC. 8. Nothing contained in sections 4 and 5 shall
18 by construed to prevent establishment of department and
19 agency grievance procedures to enforce this Act, but the
20 existence of such procedures shall not preclude any applicant
21 or employee from pursuing the remedies established by this
22 Act or any other remedies provided by law: *Provided,*
23 *however,* That if under the procedures established, the em-
24 ployee or applicant has obtained complete protection against

1 threatened violations or complete redress for violations, such
2 action may be pleaded in bar in the United States district
3 court or in proceedings before the Board on Employee
4 Rights: *And provided further*, That if an employee elects
5 to seek a remedy under either section 4 or section 5, he
6 waives his right to proceed by an independent action under
7 the remaining section.

8 SEC. 9. If any provision of this Act or the application
9 of any provision to any person or circumstance shall be held
10 invalid, the remainder of this Act or the application of such
11 provision to persons or circumstances other than those as to
12 which it is held invalid, shall not be affected.

92ND CONGRESS
1ST SESSION

H. R. 7199

A BILL

To protect the civilian employees of the executive branch of the United States Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy.

By Mr. CHARLES H. WILSON

APRIL 5, 1971

Referred to the Committee on Post Office and Civil Service